S. Hrg. 99-1056

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1987

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

UNITED STATES SENATE

NINETY-NINTH CONGRESS

SECOND SESSION

ON

H.R. 5175

AN ACT MAKING APPROPRIATIONS FOR THE GOVERNMENT OF THE DISTRICT OF COLUMBIA AND OTHER ACTIVITIES CHARGEABLE IN WHOLE OR IN PART AGAINST THE REVENUES OF SAID DISTRICT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1987, AND FOR OTHER PURPOSES

OFFICE OF THE MAYOR
ADVISORY COMMITTEE ON CORRECTIONS EDUCATION REFORM
CONGRESSIONAL WITNESSES
PRISONS PANEL
DEPARTMENT OF JUSTICE
COUNCIL OF THE DISTRICT OF COLUMBIA
COURT SYSTEM
BOARD OF EDUCATION

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DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1987

THURSDAY, DECEMBER 5, 1985

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 9 a.m., in room SD–138, Dirksen Senate Office Building, Hon. Arlen Specter (chairman) presiding.

DISTRICT OF COLUMBIA

STATEMENT OF HON. MARION S. BARRY, JR., MAYOR

OPENING REMARKS

Senator SPECTER. This hearing of the District of Columbia Subcommittee will now proceed.

We welcome the arrival of the distinguished Mayor of Washington, DC, the Honorable Marion Barry.

Mr. Mayor, I thank you for joining us today. This is the eighth oversight hearing which this subcommittee has undertaken on the issue of the District of Columbia correctional system, and this is a matter of great importance. I know it is to you, Mr. Mayor, to your administration, and to this subcommittee, because of the very important initiatives which have been undertaken on this subject.

Beyond the numerous hearings which we have conducted, there have been many, many more contacts between you and me, Mr. Mayor, as you know, and even more contacts between our staffs, and a very substantial public service contribution made by the advisory committee headed by Richard Ben-Veniste, Esq., and, as you know, Mr. Mayor, I had written to you last month and have discussed with you earlier this week some of the concerns which the subcommittee has about the progress on the prison issue so I would very much welcome this opportunity to have this hearing and to address those concerns and, at this time, to turn to you for your summary of the activities and plans for the future for this very important project.

Mr. Mayor, the floor is yours.

STATEMENT OF MAYOR BARRY

Mayor **Barry**. Mr. Chairman, I thank you for your support of this program. It is a distinct pleasure of mine to appear before the subcommittee to give a review and report on where I think we are, what some good news may be, and to some extent some problem areas we are still facing.

Mr. Chairman, as you very well know, the corrections systems around the Nation are having great difficulty. In fact, in 34 States, Federal courts have indicated that the prison systems are operated in an unconstitutional manner and have ordered massive changes to be made. In 8 of those 34 States, masters have been appointed to run the prison system. You know the numbers as well as I do.

Overcrowded conditions permeate correctional systems nationwide. Arrests are up; convictions are up; and persons are receiving longer terms of confinement. These conditions and realities are present in the District. Within this context we are attempting to launch this innovative program with your assistance and guidance.

In most prison systems, and ours is no different, the basic attitude in the past has been one of warehousing, not necessarily because of a specific philosophical oritentation in that direction, but because of the inadequate resources. We need to do more than just warehouse prisoners.

This program started in 1984. It has taken on, as you know, a very different approach, thanks to your leadership and your adding resources to do so.

Also, Mr. Chairman, the rate of incarceration in the District of Columbia in relation to 100,000 population is 649. The next two highest rates of incarceration nationally are found in Nevada and Louisiana, 380 and 310, respectively. This statistic assists in placing our implementation efforts in proper perspective.

We are under court order ourselves to cap the prison population at four of our nine facilities and, as a result of that, have had to add approximately 1,300 new correctional beds and 500 new correctional officers since 1983. This program has had to operate within the context of these court orders as well as the average population of some 6,300 people incarcerated at our nine facilities, including the District jail. I think we are making progress in light of the difficult task of redirecting the correctional orientation away from warehousing.

NUMBER OF INMATES ENROLLED IN EDUCATIONAL PROGRAM

It is a fact that bureaucratic structures sometimes work slowly or even at cross purposes. But when you look at this program, I think we can look at the educational enrollment as one indicator of interest in the program.

Before we started the program, we had about 863 inmates who had some exposure to educational programs within the prison. Some participated 1 day per week, others participated 5 days per week, some were enrolled 1 hour a day, and others were enrolled for 8 hours a day.

Since this program has started, we have touched 3,398 persons, some more intensively than others.

One indicator of the program's success is the GED passing rate. We were at 64 percent in March 1984, and I am happy to report in October 1985 the GED passing rate was 83 percent. To date, 644 persons have taken that examination and 415 have obtained passing scores.

Also, Mr. Chairman, let me indicate that vocational programs have increased in terms of the number of participants. The general aptitude test battery, which is administered to determine whether or not you are able to read, write, and count well enough to get into an apprentice program has been administered to 120 residents. Ninety-eight have qualified.

Also, Mr. Chairman, the number of vocational programs, such as dental technology, building maintenance, drywall, shoe repair, electronics, et cetera, has grown from 6 to 25 since March 1984. They provide opportunities for students enrolled to develop some knowledge and skills related to the world of work.

In concluding my statement, I wish to reiterate my personal commitment to this program and my unalterable belief in its worth. I am concerned that we are not as far along as we might be, but I am heartened that we have come this far. I am announcing today that I am making a change in the management of this important initiative as we move forward to realize our goal of creating a model program which will be suitable for replication across the Nation.

IMPORTANCE OF BASIC SKILL DEVELOPMENT

Mr. Chairman, your goal and my goal is that when people leave the institution, they ought to be able to find meaningful work in the areas that they were trained for, or if not fully trained, they ought to be able to enter into a training program because they ought to have learned to read, write, and count well enough to survive in the world of work.

Mr. Chairman, we have administered various examinations to all of our residents with the exception of a few. Those few who have refused to take the examinations have had their visiting privileges revoked along with other sanctions. We find a great disparity between the actual academic achievement levels and the "highest grade completed" data for our inmates.

For instance, we find people who have completed the 10th or 11th grade and test out at a 5th grade reading or writing or math performance level. And so the basic skill development is a very, very important factor in this whole process.

To date we have been able to place 324 persons in employment following their discharge from prison. This placement has come as the result of four community-based organizations, and also the Department of Employment Services. We have a rather sophisticated tracking system which will allow us to follow these ex-offenders as they go about the world of work. A special employment unit within the Department of Employment Services does this. It is operational. Also, Mr. Chairman, this unit will interview all inmates within 90 days of statutory parole eligibility to facilitate job placement. We have had some successes in the educational program as I have indicated. We have also had some difficulties.

SOLVING THE CONSTRUCTION PROBLEMS AT LORTON

One of the biggest problems we have with this program has been an inability to maintain and expedited construction schedule to prepare the physical plant for full program implementation. The basic reason for this is that the Department of Public Works has had to devote considerable time and resources to court-ordered renovations at our various facilities.

Senator SPECTER. Mr. Mayor, when you mention that, let me just ask what can be done to speed up that construction schedule because of the obvious problems which have been presented with certain equipment not being utilized, and the problems which you and I have discussed which have arisen as a result of the inability to maintain that schedule.

What can be undertaken to correct that?

Mayor BARRY. Mr. Chairman, I have already taken steps to solve construction problems. To give a specific example of one problem which has been solved, 200,000 dollars' worth of equipment and materials were purchased for full implementation of two turnkey programs at Youth Center 1. Some structural renovations were required, and have been delayed. Through my intervention in October, these renovations are taking place and will be completed by the end of December. I have directed Mr. Touchstone, the Director of the Department of Public Works, to appoint a senior project manager to oversee the construction projects related to the Corrections' educational program.

Senator SPECTER. So you have already undertaken personnel changes to correct that problem?

Mayor BARRY. This person's full-time job will be to track and keep on track this rather massive construction schedule.

As you know, there are some $13 million of capital money——

Senator SPECTER. I am glad to hear that, Mr. Mayor, because I think that is essential to have a very efficient, very direct management to get that job done. And I am glad to hear that you are undertaking that obligation.

Mayor BARRY. Mr. Chairman, let me also indicate that we have education facility site preparations and foundations laid at all the institutions. Facility construction will begin shortly, and this project manager's job and responsibility is to make sure that this capital construction is fast tracked as much as you can given uncertain construction conditions. And I intend to get a weekly report as to the progress of the construction.

I have also instructed Mr. Downs to personally visit the facilities to make sure we are on schedule.

Mr. Palmer has also been directed to personally monitor this construction and to let us know if there are any delays.

As you know, in various bureaucracies, one department's priorities are a little bit different than another's priorities, and because cabinet members try to get along with each other, they sometime fail to articulate problems they have with each other. But I have told them if these projects are not on schedule, I want to know about it.

Senator SPECTER. Mr. Mayor, I appreciate that personal reassurance.

As I said in my opening comments, the advisory group and Mr. Ben-Veniste have been working with you, and those reports have been coming back to the subcommittee and to me.

JOB PLACEMENT OF EDUCATIONAL PROGRAM INMATES

In the testimony, you touch on the really critical factor of job placement, and you and I have discussed so often that the issue to be corrected is not to release from jail functional illiterates without a trade or skill, where there is so much motivation to return to the crime cycle.

One concern that I have had has been the success rate at job placement, and I know that that has been a matter of great concern to you. I think it might be helpful if we discussed what has been the result as to that and what your future plans are for trying to improve that situation.

Mayor BARRY. Mr. Chairman, as I stated earlier, we have developed a rather sophisticated tracking system, working with our Department of Employment Services. And the numbers again, 324 people, released from the institution who have been in this program now have jobs. We now want the Parole Board to look at those persons who have been released since this program began who have not been a part of it, to compare recidivism as well as job placement between program participants and nonparticipants to see whether or not this program has made a significant difference.

Just preliminarily, I can say that it has made a difference in terms of the employment retention rate of those persons who were released from the insititution.

Senator SPECTER. What are the statistics on that again, Mr. Mayor?

Mayor BARRY. 324 of those who have been placed in jobs who have been touched with this program, with a basic GED—or some program that they would not have had if this program had not been in effect.

Also, Mr. Chairman, the Parole Board is utilizing program participation and achievement as a factor in granting parole. Presently, the Parole Board is only releasing about 42 percent of those persons who are eligible for release. The person who has not yet come to the point of rehabilitation is not being released because the Board does not feel that such release would be in the community's best interest.

At your request, the Parole Board reexamined our release guidelines, our revocation guidelines and, quite frankly, fewer and fewer people are being released on parole. Not for lack of having participated in this program, but because they have not done some other things that the Parole Board feels they ought to have done to be released.

We will have some better data in the next 30 days as to how this compares to the persons who were released without having participated in this program.

CHANGES IN ADMINISTERING EDUCATION PROGRAM

Senator SPECTER. Mr. Mayor, are there any changes that you have in mind as to try to improve placement in tracking?

Mayor BARRY. Mr. Chairman, we are going to make some personnel changes in the administration of this program. We have a rather sophisticated computer tracking system in terms of names and numbers——

Senator SPECTER. When you say personnel changes, Mr. Mayor, I think it would be useful if you would elaborate on it for a moment.

Mayor BARRY. Several things have happened. One is that Mr. Palmer is going to get someone to work in his office who will keep him informed daily as to what is happening in the program. And there are some personnel matters that we are in the process of examining in the next few days to try to tighten the ship a little bit.

Senator SPECTER. Those sound to me, Mr. Mayor, like steps in the right direction from what I know and you and I have discussed this before.

MAKING THE EDUCATIONAL PROGRAM A MODEL PROGRAM

Mayor BARRY. Mr. Chairman, let me just say that you and I share the same desire that this program should be a model program. And I said earlier I think we can point to a number of successes. But also we want to get in front of the curve and get the bureaucracies to mesh. You have been involved in State and local government before, so you know that you have to keep pushing and shoving to get the job done. It is not enough for the Mayor to say what he wants to happen. I used to think this was all it took before I had been in office 7 years. You have to keep on top of it, not because people do not want to abide by my wishes and orders, but because they have some competing priorities. The task before us is to make sure these priorities mesh.

Also, Mr. Downs has in his office Mr. Hal Williams, who is with us back here, whose total responsibility is the criminal justice system and watching and talking and trying to get it going.

Also I think, as you very well know, Mr. Ben-Veniste's committee has been very helpful in asking some very detailed questions and making some very specific suggestions which have been helpful to the program. As I said earlier, even though we are not quite where we want to be, I feel rather confident that we know where some of those problems are, and I have taken steps to correct them.

As I indicated earlier, the construction schedule has served as a major problem and, to some extent the total administration has been a problem. However, management is being fine tuned to facilitate accomplishment of our aims.

PREPARED STATEMENT

Senator SPECTER. Thank you very much, Mr. Mayor. We have your complete statement and it will be made part of the record.

[The statement follows:]

STATEMENT OF MAYOR BARRY

Good morning Senator Specter, and distinguished members of the committee. As always it is a pleasure to appear before this esteemed body to discuss efforts designed to further upgrade the quality of life in our Nation's Capital; a city of thriving, concerned, industrious people.

In particular, I am excited today that I have been afforded an opportunity to share the good news of the tangible progress and accomplishments associated with our corrections education program. Certainly, there is room for improvement, and there are some areas which are in need of intensive attention. I will delineate these in the context of this statement. However, I can state without equivocation that the educational and vocational program operated by the D.C. Department of Corrections does not take a back seat to any across the Nation. This is due, in large measure, to the support and guidance offered by you and the other members of the committee. As well, I wish the record to reflect my personal gratitude to Mr. Richard Ben-Veniste for his tenacious advocacy in support of our educational and vocational goals.

With the Committee's indulgence, I want to take an opportunity to place implementation of our corrections educational reforms in proper context. It is my contention that this will provide an essential frame of reference within which to assess the nature and extent of our accomplishments.

In criminal justice, as in other areas of public policy, a problem, seemingly, does not deserve attention unless it has reached a critical stage, and so the discovery of the crisis in corrections becomes a recurring media event. After so many years, one may wonder whether the patient is critical or merely suffering from a chronic disease. By whatever label, corrections in America has clearly fallen short of the expectations heaped upon it by overlapping purposes of incapacitation, retribution, punishment, and rehabilitation.

Thus, it is somewhat ironic that the crisis which has brought corrections to the public eye in the mid-1980's is not the disparity between performance and expectations, but the gap between needs and resources. Federal courts have found prisons in 34 States to be so overcrowded as to constitute cruel and unusual punishment. The problems with corrections nationally relate to crowding, inadequate facilities, inappropriate medical care, violence, and other deficiencies associated with conditions of confinement.

Nationally, corrections is losing its high-stakes battle against crowding. Between 1960 and 1984 State prison populations soared 126 percent, but capacity increased by only 74 percent.

State and Federal courts are examining closely the operations of correctional facilities to ensure compliance with eighth amendment protections against cruel and unusual punishment.

The courts have declared unconstitutional the entire prison systems of such States as Alabama, Florida, Mississippi, Oklahoma, Rhode Island, Tennessee, Texas, and all male penal facilities in Michigan.

One or more facilities in 21 States are operating under a court order or consent decree as a result of inmate crowding and/or conditions of confinement.

In eight States, courts have appointed receivers or masters to operate the correctional system or facilities, ordered emergency release of inmates as a result of crowding, or ordered the closing of specific institutions.

Expenditures for corrections are at an all-time high, prison construction is on the increase, facilities continue to be antiquated, inmate-to-inmate violence is commonplace, recidivism by any measure is unacceptably high (nationally, 24 percent of parolees are returned to prison within 3 years after their release to parole supervision).

The correctional situation in the District is also serious, but much less so than that of most of the States. James F. Palmer, and his dedicated staff have had to grapple with the seemingly intractible problems of severe overcrowding; rulings by several courts that define the conditions of confinement and set population limits on five of our eight facilites; staff shortages and turnover, and increased assaults and other acts of violence by inmates. These realities pose serious potential threats to the safe and secure operation of the District's correctional institutions.

The rate of incarceration in the District of Columbia in relation to 100,000 population is 649. The next two highest rates of incarceration nationally are found in Nevada and Louisiana (380 and 310 respectively).

The Department of Corrections is the depository into which we place those persons who have been apprehended, charged, tried, convicted, and sentenced for serious crimes. The demands on correctional resources, both fiscal and human, in other words, are controlled by factors and forces external to corrections. The difficult challenge facing the D.C. Department of Corrections is whether it can continue to safely and securely house its inmate population in the face of surges, whether it can maintain humane conditions of confinement, and whether the rehabilitative process can be facilitated.

Since 1983 we have added approximately 1,300 new correctional beds; 500 new correctional officers have been hired; massive inmate transfers among our facilities and with the Federal Government have been handled to manage the population in a manner consistent with court orders; expenditures have grown to $136 million in fiscal year 1985.

Between 1983 and 1985 our average daily population increased from 5,451 to 6,530. During this period there were a total of only seven escapes. Three of the escapees were returned to custody.

The administration of corrections is a demanding, relatively thankless task; one which requires astute judgment, flexibility, and vision. We are fortunate that our department is being managed by Mr. Palmer and his assistants; people who embody these characteristics.

Identification of the framework and environment in which the correctional education program is being implemented is important to our ability to glean meaningful insights about impediments to timely program implementation (for example, rapid surges in population force a shift to other priority concerns such as inmate housing and classification).

I feel that our accomplishments are remarkable in light of the difficult task of redirecting years of correctional "warehouseing," the existence of bureaucratic structures and processes which make "fast tracking" a project of this sort a very difficult undertaking.

In spite of impediments which have existed between the inception of the program and the present, there are significant accomplishments to report:

Educational program enrollment has increased from 863 to 3,398 in November 1985.

Night school programs designed to provide adult basic education [ABE], and general education development [GED] preparation are in operation at all institutions except the newly reorganized Occoquan III facility and the maximum security facility.

Expanded day school programs in all of the eight facilities focus on ABE and GED preparation and utilize the instructional approach of computer-assisted learning for individual reinforcement and practice drills.

The GED passing rate has increased from 64 percent in March 1984 to 83 percent in October 1985. To date, the GED test has been administered to 644 persons; 415 have attained passing scores.

The test of adult basic education [TABE]—to determine academic placement—has been administered to all residents placed in educational services.

For vocational programs, the general aptitude test battery [GATB] has been administered to 120 residents. Of that number, 98 have qualified for one or more apprenticeship programs.

The number of vocational programs such as dental technology, building maintenance, drywall, shoe repair, electronics, et cetera, has grown from 6 to 25 since March 1984. They provide opportunities for students enrolled to develop some knowledge and skills related to the world of work.

Youth Center I has been redeveloped to become a learning laboratory to serve as a model for programmatic and administrative configurations which can be appropriately replicated at the other facilities. This model includes the full continuum of programs—from adult basic education through prison industries. Computer-assisted and management instruction are the models in use.

Job placement.—From August 1984 to November 30, 1985, all residents who completed the full cycle of training in the program have been placed in jobs. This involves a total of 324 ex-offenders. Data are available on placement site, job title, nature of involvement in the education program, offense for which incarcerated, and the like. The department has developed a tracking system to monitor ex-offender performance, to provide a support system, and to assess recidivism for program graduates in relation to nonparticipants.

Placements are being handled by the D.C. Department of Employment Services and by four community-based organizations with which the Department of Corrections has contracts for employment counseling and placement. To date, 41 persons in addition to the 324 mentioned above have been placed as a result of the efforts of these community-based organizations. Because of my commitment to working more intensively with the offender population, I ordered the establishment of a special employment unit within the Department of Employment Services in August. This unit is now operational. Among other duties, these specialists will interview all inmates within 90 days of statutory parole eligibility to determine what jobs or training they would be ready to enter. Entry will then be facilitated. This unit manages the special temporary employment program in which "hard to place" parolees are employed in temporary public sector jobs at minimum wage. Counselors and other staff work on employability training and on obtaining unsubsidized employment.

The program has received favorable publicity around the country and from various professional associations. For example, a very impressive video presentation was presented by staff at the American Correctional Association conference this past summer. Several requests for information and technical assistance were received as a result of this exposure. I will enter into the record examples of letters from State directors of corrections, copies of media coverage which has been received, and other expressions of support for our efforts.

Evaluation.—The Department of Continuing Education of the University of the District of Columbia prepared a program evaluation for the period ending September 30, 1985. I am submitting a copy of this evaluation for the record. The evaluation is laudatory and suggests the need for additional library resources and improved communications, among other recommendations. The evaluation was process oriented but emphasizes the need for an impact evaluation during the present fiscal year. We are moving forward to have an evaluation design prepared to enable us to more systematically assess program impact.

Problems.—Several situations have impeded complete and timely implementation of a couple of turnkey programs. These deficiencies are exceptions and are not indicative of our planning and implementation phases being routinely out of sync.

Some structural renovations at the Youth Center I needed to facilitate full implementation of the shoe repair and computer repair training turnkey programs were delayed because of some bureaucratic misunderstanding relative to the high priority I have placed on this program. Necessary renovations were begun on November 12 and are scheduled to be completed by the end of December at a cost of approximately $145,000. Approximately $250,000 in equipment and materials were purchased in early summer, and will be fully put to use as soon as the renovations have been completed. Instructions are presently being fully utilized.

There has been a problem associated with the industrial arts program. Original plans called for implementation of this program at the Occoquan III facility. Equipment was purchased but could not be utilized at Occoquan because education program renovations have been delayed because the space intended for the program is being utilized to house inmates to help ease the population crisis at the jail and at other facilities with court-imposed population caps. We are in the process of temporarily transferring the equipment to the central facility for use in prison industries, the final stage in the educational and vocational training continuum prior to a resident's release back into the community.

The construction schedule for the eight educational facilities at Lorton has been delayed. The foundations and all utilities have been completed. The construction package will be advertised on December 15. Construction will commence on as quick a track as is possible in the context of our competitive procurement process.

Fiscal reporting.—Tables attached to this statement reveal the breakdown in expenditures for the program for fiscal years 1984 and 1985.

Conclusion.—In concluding my statement I wish to reiterate my personal commitment to this program and my unalterable belief in its worth. I am concerned that we are not as far along as we might be, I am heartened that we have come this far. I am announcing today that I am making a change in the management of this important initiative as we move forward to realize our goal of creating a model program which will be suitable for replication across the Nation.

We are prepared to answer any questions you may have relative to these matters which are before the committee.

Thank you.

ADVISORY COMMITTEE ON CORRECTIONS EDUCATION REFORM

STATEMENT OF RICHARD BEN-VENISTE, ESQ., CHAIRMAN

Senator SPECTER. I would now like to hear from Mr. Ben-Veniste, who is Chairman of the Advisory Committee.

Mr. Ben-Veniste, we welcome you to this hearing of the subcommittee, and I know I speak for the full committee and the Senate in thanking you for the very extensive time and effort which you have put into this very important matter on a pro bono basis.

The Mayor and I know that if we are charged your regular hourly rate, the appropriation size would be substantially greater than it is. You have a distinguished record in government and public service as well as private practice, and we really value your assistance in this matter. We look forward to hearing from you at this point.

STATEMENT OF RICHARD BEN-VENISTE, ESQ.

Mr. BEN-VENISTE. Thank you very much, Mr. Chairman. I appreciate the remarks. You are very kind.

As you know, our subcommittee met as a full committee actually on the 28th of last month. Rather that was October 28, and we had a rather extensive meeting at which Mr. Palmer and his staff were present. And indeed Mayor Barry took time out of a busy schedule to join us as well.

At that meeting, I identified certain problems and some disappointments in terms of the execution in the face of the program whose philosophical goals we share but, as Mayor Barry has so correctly pointed out, there seemed to have been problems in execution that were not anticipated, and we slowed down progress a little bit.

We feel that there is room for substantial improvements in terms of the implementation for performance based on turnkey vocational programs. We feel that there should be administrative changes bringing the facility administrators and the wardens of each facility more directly into the vocational and educational program.

Senator SPECTER. Do you think that has been accomplished, Mr. Ben-Veniste?

Mr. BEN-VENISTE. That has been accomplished beyond a reasonable doubt in what we term the lab and the lab out at Lorton correctional facility. And we are looking forward, perhaps on the more accelerated basis than had been previously planned, to the extension of that administrative process for the rest of the facilities at Lorton.

Senator SPECTER. Do the changes which Mayor Barry has described meet the concerns which you had expressed and have expressed here today?

Mr. BEN-VENISTE. Well, Mayor Barry again took time out of his schedule yesterday to meet with me extensively, and we had a very frank conversation. And I am once again reassured in my impression that Mayor Barry is very much committed to the success of the education and vocational training initiative and the changes which he intends to implement. Some of which he mentioned here this morning seemed to me to be very much on track and very much needed.

I feel that once we get an integrated program of potential job identification, training for those jobs in the institutions, free release counseling, and job search and then follow up in tracking procedures to identify inmate employment relative to the training they have received in the institution, then we will really be far along in making the Washington, DC, correctional education and training initiative a model for the United States.

Senator SPECTER. All right. Thank you very much. I am glad to have that very positive assessment on your part, Mr. Ben-Veniste, in terms of a very careful analysis which you and your committee have made. Your collaboration with Mayor Barry and the implementation of the modifications which have been described this morning to achieve the goals for all of the inmates.

Mayor Barry, do you have anything to add?

CLOSING REMARKS OF MAYOR BARRY

Mayor BARRY. Mr. Chairman, let me add that my administration welcomes any suggestions from yours or any other persons, Mr. Ben-Veniste's committee members, volunteers, and you find no resistance on our part for suggestions on how we can do better. But I do not think any of us have the full solution to these problems.

On the other hand, I think our experiences can be helpful to other States around the Nation in their prison systems, and certainly can be helpful to you in your advocacy of the Federal Government playing a greater role in rehabilitation as well as incarceration of prisoners. And so I think already we have gained a great deal of insight into how and where you have to make changes and make things work, and also where the resistance comes from. I think we probably find this around the country.

Bureaucracies that run prisons are just not accustomed to educational approaches. In fact, the hardliners in this sense, you lock people up, and when their sentence was over and you sent them back out into the community worse off than they were then, and this program has begun to break that cycle. I think when we finish these programs and look at them, it will be a guide to prison systems around the Nation.

We also work with the school superintendent, as you know, to identify for her certain schools where there seems to be a disproportionate number of people in our prison system. And she can see if she needs to make some administrative changes to try to correct some things. There are some schools where the larger share of the population, disproportionate to the numbers who are in jail—and some of this is socioeconomic related, and some of it is school base related because of the administration of the schools.

The great majority of the people in our prison systems were born in Washington—we have done a survey—and a great majority of them attended school here in Washington. And there was a direct link between their school and where they are now, and we now have a better handle on where the figures are coming from.

Senator SPECTER. Mr. Mayor, the success of this program could have very material ramifications because, as you know and I know, that Congress is watching these expenditures very, very closely. And a successful program here would be modeled and have a very profound effect on the criminal justice system in the country.

Mr. Ben-Veniste, do you have a final comment?

CLOSING REMARKS OF MR. BEN-VENISTE

Mr. BEN-VENISTE. Yes.

Mr. Chairman, because of the shortness of time and the focus of today's hearing, I did not want to leave any misimpression in terms of the substantial progress that this program has made. It has been a learning process. I think there has been very substantial dividends paid in terms of raising the basic literacy level and job preparedness level of the inmates at Lorton, and I think that Director Palmer has been very diligent in attempting to realize the kinds of goals which we have set which are state-of-the-art goals, and trying to do something very innovative.

The area of prison education and vocational training is a very specialized area. I think we have seen a period of learning by all who have been involved in this program from the administration side as to the problems and challenges presented by prison education and vocational training. And I think at this point we are really on the threshold of getting a program implemented which will indeed be a model.

Senator SPECTER. I am delighted to hear that.

SUBCOMMITTEE RECESS

Thank you very much, gentlemen. That concludes the hearing.

[Whereupon, at 9:45 a.m., Thursday, December 5, the subcommittee was recessed, to reconvene subject to the call of the Chair.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1987

WEDNESDAY, MARCH 26, 1986

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 9:30 a.m., in room SD–124, Dirksen Senate Office Building, Hon. Arlen Specter (chairman) presiding.

Present: Senator Specter.

CONGRESSIONAL WITNESSES

OPENING REMARKS OF SENATOR SPECTER

Senator SPECTER. Good morning, ladies and gentlemen.

The hearing of the District of Columbia Subcommittee of the Appropriations Committee will now proceed. The subject of today's hearing will be the status of the efforts to construct a new prison in the District of Columbia and the issue of overcrowding.

This is a matter which has been pending for a very long time. It has been more than a year since Mayor Barry has committed to the construction of the new prison. But the process has not gone forward. There have been a variety of problems.

PROBLEMS OF PRISON OVERCROWDING

The U.S. Department of Justice has given assistance to the District of Columbia on a temporary basis. That assistance has not been forthcoming recently. There have been problems as to what to do with overcrowding. Part of it has spilled over in my State of Pennsylvania with some 55 prisoners having been sent to Cowansville in Armstrong County, hardly a sensible approach to transport prisoners hundreds of miles. Real issues of public safety for the Commonwealth of Pennsylvania being involved when notice was not given to the State officials, to the Governor of Pennsylvania, when those prisoners were sent there.

That is a subject which we will inquire into today. Other reports that prisoners are waiting long periods of time in buses, not being able to be admitted into the institution. It is my own conclusion that the situation on the prison is an intolerable one at the present time and really has to be answered.

We have scheduled this hearing to try to move ahead. The Mayor is scheduled to be here. We have asked the Chairman of the D.C. Council, Hon. David Clarke, to come in. And we have also invited Council members, Hon. Wilhelmina Rolark, Chairman of the Judiciary Committee, and Hon. Nadine Winter of Ward 6 of the District of Columbia where there is a proposal to locate the prison. And we are prepared and available to hear from any of the D.C. Council members as they may wish to speak on the subject.

ISSUE OF HOME RULE

There is a very delicate issue of home rule involved here. I have long supported the principle of home rule to the extent of having personally taken a position of statehood for the District of Columbia, a position which has not been too warmly received in too many quarters among my colleagues. But I believe that the District of Columbia has a large population, larger than many States in the United States, and I have a great respect for the principle of home rule.

When it comes to the question of control over a prison, I believe notwithstanding the principles of home rule, that there is a great deal to be said for operation by the Federal Government. And I say that specifically because of the applicable statute, Title 24, Section 425, of the District of Columbia Code, on the issue of imprisonment specifies:

> All prisoners convicted in the District of Columbia for any offense, including violations of municipal regulations and ordinances and acts of Congress in the nature of municipal regulation and ordinances, shall be committed, for their terms of imprisonment, to such types of institutions as the court may direct, to the custody of the Attorney General of the United States.

Now, that is a flat, legal statement that the Attorney General of the United States has the responsibility for the custody of people who are convicted in the District of Columbia. When these lawsuits are brought which name Mayor Barry as defendant, I have always wondered, as a lawyer having some experience in this kind of litigation, why the Attorney General of the United States is not the named defendant, because the law imposes upon him the responsibility for custody.

That is a question which I think ought to be answered. And I raised this issue with the Attorney General by letter dated December 19, and received a reply which was not satisfactory on this issue.

I have had discussions with Mayor Barry about the interest of the city in having the Federal Government take control of the prisons. And I do not propose in any way to do more than make a suggestion. Because that has to be the judgment of the District of Columbia as to what they want to do on the issue of home rule.

PROBLEMS IN DISTRICT PRISONS

When you deal with many of the problems that come in the District of Columbia prisons, narcotics are a Federal matter, they travel from foreign countries, travel in interstate commerce. And there is a lot to be said for a broader rule.

I have introduced legislation to get the Federal Government to take custody of career criminals who cross State lines. So it is not a simple matter. I think it is one that ought to be explored, particularly in light of the emergency in the District of Columbia at the present time. I believe it is an emergency simply stated that has to be addressed. I think there is a real problem of public safety in this city today.

I am concerned that judges are not sentencing criminals to jail who ought to be sentenced because there is no room for them. That is a consequence to having an overcrowded system where judges do not sentence to jail criminals who ought to be sentenced to jail. I am not saying if there is somebody with multiple offenses of robbery they are not going to jail, but the judges in this jurisdiction ought not to be under the pressure to have an overcrowded jail system to make choices where they would really prefer to send somebody to jail but do not do so because of the overcrowded situation.

That is what I call an emergency situation. And I say that based upon a fair amount of experience as a district attorney of the city of Philadelphia, which is as rough and tough a city as Washington, DC, when it comes to crime control.

That is what is on my mind. I discussed it briefly.

I want to acknowledge the leadership of Senator John Warner on this matter. This is an issue which Senator Warner and I have discussed repeated over the course of the past 5 years because of the intimate concern that Senator Warner has, not only as a U.S. Senator, but also as a Senator representing the Commonwealth of Virginia, which has a very vital interest given the location of the Lorton Prison.

Senator Warner, we welcome you here and look forward to your leadership and testimony.

STATEMENT OF HON. JOHN W. WARNER, U.S. SENATOR FROM VIRGINIA

Senator WARNER. Thank you, Mr. Chairman.

I want to commend you for your leadership. You have never failed to show the courage to step up to answer and also ask the tough questions as they relate to this issue. Indeed we have addressed this problem together over many years, both of us having been in the U.S. Attorney's Office. I was here in the District of Columbia, you in Philadelphia.

And I look at this problem, yes, from the perspective of Virginia, but equally from the greater metropolitan area and the needs for the District of Columbia. Like you, I support home rule. I am concerned over the possibility that the Federal Government may have to step in. And that could pose a precedent. But I hope not a precedent that in any way would diminish the integrity of the home rule which has been in this community now for many years.

So, Mr. Chairman, I would like to give a short prepared statement. And then we can engage in such colloquy as the Chair feels would be helpful.

DISTRICT OF COLUMBIA PRISON CRISIS

I appreciate this opportunity to appear before you this morning to address the District of Columbia prison crisis. I think it is really in the nature of a crisis. And Mayor Marion Barry's proposed sites for the new prison and funds provided through this committee.

The current management policy of early release of prisoners, construction of temporary facilities at Lorton, and busing prisoners around the Capital Beltway poses unnecessary risks to the safety not only of the constituents in Virginia but to all persons in the Greater Metropolitan Washington area.

OVERCROWDING AT LORTON

Mr. Chairman and members of the committee, I have been deeply involved with this ongoing prison issue because it directly impacts on the Lorton Reformatory located in Fairfax County, VA. I have long been concerned with the overcrowded conditions at Lorton. In the fiscal 1984 District of Columbia appropriations bill with the help of yourself and other members of this subcommittee, I was pleased that the subcommittee approved my request directing the Federal Bureau of Prisons to submit a plan to cap the growth of the prison population at Lorton Reformatory.

In the "Review of the District of Columbia Prisons Operation of Lorton, Virginia in 1984," a cap on housing capacity was recommended at 3,964 persons. But at this date the population is 4,369.

I would also like to acknowledge in our work, Mr. Chairman, Mr. Trible of Virginia, my colleague, who has been very helpful on this matter.

As you are well aware, since the Federal Government's announcement in January 1986 terminating the agreement of housing District of Columbia prisoners in Federal facilities, the District has once again turned to sending more inmates to Lorton. This action poses a serious threat to the safety of the prisoners and personnel currently at Lorton, as well as a serious risk to the residents in the surrounding communities.

PRISON FACILITY WITHIN CITY LIMITS

The only answer to this crisis is to move quickly toward construction of a facility for the District within its own city limits. I am pleased that Mayor Barry has announced a site for the new facility and urged the Senate to do whatever is necessary to expedite construction. And I think we should single out the Mayor here for his political courage in making this decision.

As I followed it in the local press and through other sources, I do not think he had quite the support that he deserved in this matter. But he went ahead and made the decision, and that is to his credit.

Mr. Chairman, whether we direct the Federal Government to build the facility under the auspices of the Federal Bureau of Prisons, provide full funding to allow the District government to move forward, require the Federal system to accept prisoners until the new system is operational, or direct that overflow prisoners be sent temporarily to other facilities, my only aim is to facilitate the construction of the new prison. Any or all of these actions I believe will assist the City in resolving this crisis.

Whatever approach the committee recommends, the Federal Government must not look to the Lorton Reformatory for additional space. Recent acts of violence are enough proof that Lorton cannot safely absorb more prisoners. Serious disturbances and riots occurred in June and September 1985. And already this year there has been a situation where guards forceably restrained inmates.

Mr. Chairman and members of the committee, we have made great strides toward alleviating this situation. I commend you for the difficult efforts you have made. I am ready to assist you in seeing this situation resolved to the satisfaction of the Greater Metropolitan Washington area. I thank the Chair.

Senator SPECTER. Thank you very much, Senator Warner. Your leadership and your support is very important. We have a common objective. And I think we can get there.

Senator WARNER. Thank you, sir.

Senator SPECTER. I appreciate your coming.

DISTRICT OF COLUMBIA PANEL

STATEMENTS OF:

HON. MARION BARRY, MAYOR, DISTRICT OF COLUMBIA
HON. DAVID CLARKE, CHAIRMAN, D.C. COUNCIL
HON. WILHELMINA ROLARK, CHAIRMAN, JUDICIARY COMMITTEE, D.C. COUNCIL
HON. NADINE WINTER, COUNCIL MEMBER FOR WARD 6, D.C. COUNCIL

Senator SPECTER. I would like now to call Hon. David Clarke, Chairman of the D.C. Council, Hon. Nadine Winter, Council Member for Ward 6 in the District of Columbia, and Hon. Wilhelmina Rolark, Chairman of the Judiciary Committee of the D.C. Council. The Mayor is due to testify. And we will proceed until Mayor Barry joins us.

Mr. Chairman, thank you very much for joining us. We will lead with you. We are pleased to hear from you.

OPENING REMARKS OF COUNCIL CHAIRMAN CLARKE

Mr. CLARKE. I want to thank you for the invitation, Senator, to come and to testify.

You may not believe it, but this is the first official request that we have had from the Senate, from the House, from the Mayor, from any other official organization to say anything with respect to this subject. The Mayor has sent nothing to the City Council, although I understand that there is a provision in what you put in the budget that anything that would proceed would have to have the approval of the City Council.

I would like to give to you to some extent some history of the City Council and personal activity with respect to the issue and tell you some questions that I think are pending that we are concerned about.

In 1980, I believe it was, the Council of the District of Columbia amended a budget act that was before us to provide for the creation of a new facility at Lorton, VA, for the housing of female inmates. We felt then, and I believe that a majority continue to feel now, that any efforts to expand the capacity of our prison system ought to have a priority for the housing of female inmates who are sentenced to greater than 1-year incarceration near their homes. They are now sent 180 miles away.

However, the Mayor came back to the Council and indicated an inability to do that, and asked that he be able to use the new space for male prisoners.

When you began to raise this issue about a year ago, I wrote a letter to the U.S. Bureau of Prisons. Mr. Norman Carlson was the person to whom I wrote.

In this letter I detailed a number of sites in the District of Columbia which I felt met the criteria that I understood from reading from the papers was the criteria to be applied, open space and federally owned. The sites that I identified were in each ward of the city.

I asked the U.S. Bureau of Prisons if it would provide for me a feasibility analysis of each of these sites in the District of Columbia for a prison. I indicated in my letter that it was my own conclusion that none of these would prove as feasible as the property that we currently occupy at Lorton, VA, and which has been dedicated to prison usage for more than half a century.

The answer came back in essence that the Federal Government would rather deal with the executive branch of the city. Thank you, but no thank you. I will make that a part of the record.

COMMISSION ON CORRECTIONAL STUDY FACILITIES

With the concurrence of the Mayor, the Council created a commission on correctional study facilities, eight members of which were appointed by the Council and seven members were appointed by the Mayor. That commission did hold hearings, did come up with preliminary recommendations, and then finally came up with overall recommendations.

In its report it suggested the creation of a comprehensive public safety plan. However, prior to the time that that report was completed, the Mayor had indicated that he disagreed with those portions of it which called for no new prison but for the development of alternatives in the District of Columbia.

The Council thought it best to await the results of the report. As soon as the results were in, the Committee on the Judiciary chaired by my colleague who is here, Councilmember Rolark, conducted hearings with respect to it. Thereafter, a resolution stating the position of the City Council was introduced into the City Council. That resolution has been signed by eight members of the City Council.

It calls for the creation of a comprehensive public safety plan, and it asks our Mayor in his work with you and other Federal authorities to put upon the table the notion of building a new facility that we might have at Lorton, VA. Hearings are scheduled upon that motion.

The motion of creating a new facility at Lorton, VA, does have some merit to it. The city has had equitable title to that property since the early 1900's, it is now and has always been a prison site. There would be considerable cost savings in running a larger prison at one site than two prisons at two smaller sites.

There are 2,300 acres of land there, only 700 of which are now in use. And if, in fact, overcrowding is the problem, then it can be corrected there more easily than it can be by squeezing 800 persons into 10 acres somewhere else.

In fact, overcrowding seems to be a major point in a major consideration. I have done some rough calculations and found that using only the prison acreage, that is acreage now dedicated to prison usage at Lorton, 500 acres, there is almost 10 times as much space per inmate at the overcrowded conditions at Lorton now as are planned for the new prison inside Washington, DC.

UNANSWERED QUESTIONS CONCERNING NEW PRISON FACILITY

Laying aside questions of when and where, at least I feel that some questions still must be answered. The first question is, how much is this going to cost? You placed into the budget $30 million of Federal funds to be used for prison construction. The other day at a press conference and the following day in hearings before the Council of the District of Columbia, it was indicated that at least $50 million would be needed for the construction of a new prison.

The City Council is interested to know exactly how much the Federal Government is going to pay, whether it is going to be done by separate Federal payment or whether it is going to be used as traditional Federal payment that is made to the city in lieu of taxes. If it is the latter, then the Council does have a role to play. If it is in lieu of taxes, the Council traditionally appropriates the Federal payment as part of the general fund through its normal appropriations process that comes to you.

That has not been done with respect to the question of the prison. The Federal payment, the normal Federal payment, which I will use as a characterization is in lieu of taxes and in lieu of the cost of services that we provide to the Government.

We currently calculate the cost of taxes lost and services provided by virtue of the Federal Government presence to be over $1 billion a year. Accordingly, the regular Federal payment is less than 45 percent of what would be owed and due to the District of Columbia if the Federal Government was an industry.

The Presidential budget includes a $19.5 million increase for fiscal year 1987. However, other parts of the Federal budget attached to the District of Columbia increased costs that are in a similar amount. The city is dependent on the increase also for the payment of our police pay raise.

Accordingly, if the moneys for the new prison are to be taken from the normal Federal payment, we are going to have a great difficulty in meeting either those new costs that the President's budget assigned to us or the police pay raise or in responding to the Federal budget cuts which we, as will many jurisdictions in this country, have to sustain given the Federal budgeting process.

The executive branch has promised in testimony before the Council of the District of Columbia 2 days ago not to begin construction of the new prison until the Federal funding and all of the Federal funding has been assured through facilities other than the normal Federal payment. We appreciate that. If it is to be done otherwise, it should be done through the normal budgetary process in which it comes before the Council and which the citizens of the District of Columbia have the opportunity to appear in hearings before their elected leadership.

PURPOSE OF NEW PRISON FACILITY

I would also like to leave on the record the question of what the purpose of the new prison is. From what I have read in the paper, most of the concern addresses itself to the alleviation of overcrowding at Lorton. That is a noble purpose. But without a comprehensive plan, I would suggest it is probably an impossible purpose.

Between 1980 and 1984, America created 100,000 more prison beds but incarcerated 135,000 more people. To quote Allen Brode, the chairman of the board of directors of the National Council of Corrections: "The more we build, the more we remain crowded." Mississippi filled 1,400 new beds in 1 year. Since 1980, I believe, the District of Columbia has added 1,880 beds at an approximate cost of $30.6 million, but we are still overcrowded.

The District of Columbia has the largest incarceration of any State in the Nation. And of course, the Nation has the largest incarceration rate of any nation in the world save only Russia and South Africa.

PLANNED USE OF NEW PRISON FACILITY

But the next question I would leave upon the record is that end plan to put people from Lorton into the new prison. I have asked many places, and I will ask upon this record again, is this the plan, to take people from Lorton and put them in the new prison, or is the plan actually to take people from other places within the Federal Bureau of Prisons and place them in the new prison, essentially creating for the District of Columbia the operational responsibility of two overcrowded prisons? If the prison is fully funded——

Senator Specter. Chairman Clarke, are you close to the conclusion?

Mr. Clarke. I am at the conclusion right now.

If the prison is fully funded on the Federal end, there is nothing we can do to stop it, we understand that. But if on the other hand we are to pay, then the matter should go through the Council of the District of Columbia with the opportunity for the citizens of the District of Columbia to address the matter through our hearing process.

I thank you.

Senator Specter. Thank you very much, Chairman Clarke.

LOSS OF LOCAL TAXES

I would appreciate it if you would submit for the record a fuller statement as to the $1 billion which you feel would be appropriate payment by the Federal Government for the local taxes if the Federal Government were a private party and had an obligation to pay taxes like any other party.

Mr. Clarke. Be glad to.

[The information follows:]

TAX REVENUES FOREGONE BECAUSE OF FEDERAL PRESENCE AND POLICIES, FISCAL YEAR 1986

[Dollars in millions]

I. Revenues lost because of federally mandated exemptions from District Property Taxes:	
Federal real estate	$323.5
Other exemptions (foreign government and special acts of Congress)	33.2
Federal personal property	45.7
Subtotal	402.4
II. Revenues lost because of Federal restrictions on the District of Columbia taxing authority:	
Nonresident individual income tax	705.8
Congressional employees and residential appointees	6.2
Subtotal	712.0
III. Nonproperty tax revenues lost from diplomatic exemptions	26.2
IV. Revenues lost because of Federal restrictions on taxation of the military	29.0
Total taxes foregone	1,169.6

Source: Department of Finance and Revenue, November 1985.

Senator SPECTER. There are a great many issues which you have raised which are deserving of much analysis. And I would like to discuss them with you on the record. But we are in the final day perhaps of this period, and the majority leader stated last evening that he would call up the Water bill, which I have some responsibilities on. So if as and when that occurs, I am going to have to adjourn the hearing for a few moments. I would hope, frankly, to conclude the hearing before that arises.

And to the extent that we can boil down the statements and abreviate them and summarize, I would be appreciative. Once I go to the floor on the Water bill, I do not have to tell you legislators what happens in legislative session.

Mayor Barry has joined us. Mr. Mayor, would you join us. And we will turn to you at this time.

Chairman Clarke, if you would stay with us at the panel.

Mr. CLARKE. I will.

Senator SPECTER. We will call on you for more input.

WELCOMING MAYOR BARRY

Mr. Mayor, we welcome you here. By way of a fast summary of my own opening statement, I noted my own view that there is an emergency situation on the prison issue. Senator Warner testified briefly. He characterized it as a crisis.

I made reference to the statute, which requires that all prisoners convicted in the District of Columbia be committed for their terms of imprisonment to the custody of the Attorney General of the United States and noted that there was a real basis when litigation follows as to responsibility for overcrowded conditions instead of city officials, that the Attorney General might well be the party responsible.

I noted that I have a great respect for home rule, but raise the interest of whether or not the city's interests might be well served if the city officials choose to allow the operation of the prisons to reside with the Attorney General of the United States. I only make the suggestion. That is something which has to be decided by the duly elected officials of the city, the Mayor and the City Council.

Those points I think are important enough to bear that brief reputation. With that, Mr. Mayor, we turn to you.

OPENING REMARKS OF MAYOR BARRY

Mayor **Barry**. Mr. Chairman, let me briefly express my appreciation for the opportunity to appear before this subcommittee, and also thank you for your leadership over the years, not only in this matter, but since you have been chairman of the Subcommittee on Appropriations in the District of Columbia you have been understanding of our overall problems.

You come from Philadelphia, which is another major city in America. And your philosophy and attitude has been to be supportive and helpful but constructively critical when you have to be.

I do not know how to characterize our present situation, whether it is a super crisis or crisis or what have you, except let me put it in the proper context. When I came into office in 1979, the D.C. government was under at least four court suits. We had about 3,600 people incarcerated at that time. There were two suits at the District jail which was built originally as a detention center, one at the central facilities and maximum at Lorton. Mayor Washington was the defendant for the city and the Government. When I came into office I became the defendant.

The City Council was never a defendant, nor was the U.S. Department of Justice. In my view I think all three parties should have been defendants in this case and, therefore, would all have equal status before the courts. So as it is now, I am the only one who is legally out there in terms of judge Byrant's or Judge Green's order and several other judges' orders.

Also, Mr. Chairman, we are facing an escalated arrest rate in the District of Columbia. Last year, 1985, some 42,000 arrests were made here. Since I have been Mayor, we have had to increase the correctional budget from $55 million to $160 million.

With your help and support we have had a major infusion of funds for educational opportunities. Also we have added 1,800 spaces and 600 additional correction officers.

We are at the point now where, although I do not think that prisons in themselves are the answer to our problem, they are part of the answer. There are 13,000 people in Washington on probation, 2,500 on parole, another 9,000 on pretrial release.

And when you get those kinds of numbers, Mr. Chairman, not only are they staggering, and it is unfortunate to have that kind of situation here, but you cannot bury your head in the sand and say they do not exist.

NONRESPONSIVENESS OF CITY COUNCIL AND FEDERAL GOVERNMENT ON PRISON ISSUE

My criticism of both the Council and the Federal Government has been one of nonrealistic involvement and unrealistic looking at what we have to do. It is the D.C. government that is cited for contempt of court, Judge Bryant has cited us on several occasions, $50,000 a day. The next step, Mr. Chairman, has been to cite me personally for contempt of court.

I am not going to go to jail for violating the judge's order. And therefore, I have to be in the front of this. Locally, I have been basically out here by myself on this issue.

The community is schizophrenic about it. They want everybody incarcerated, but they do not want a jail or halfway house in their neighborhood.

I tried to cooperate with the Council. We talked about the Prison Commission. I could have gone about it by executive order, but I agreed to go with their group. And unfortunately, the majority of the Council appointees did not want a prison built.

So I submitted a list of 250 sites to the Government, including Rockcreek Park, Washington Monument, the Dalecarlia Reservoir in ward 3. No ward was spared. And the Federal Government did not respond very much and very well to this situation.

They sent us three sites back, old District jail, St. Elizabeths, and the McMillian site. Again, they were not acceptable because the McMillian site was not ready to be turned over because of the Corps of Engineers' need for water treatment. St. Elizabeths is due to be transferred, and has a congressional designation which restricts its use. The old jail site is already in the city's possession and is scheduled to be the site of the D.C. General ambulatory care facility.

And at that particular time they were talking about the corner of 19th and Independence as the old jail site, not the one we are coming to.

What I am saying is we have had the ball running with it, trying to solve this serious problem. Forty-two other States have it. Eight States have had masters, that is their prison system has been taken from them.

My view is that these crimes are committed in the District of Columbia. Ninety-five percent of them are D.C. residents. Those of us in leadership roles have some responsibility for taking care of our own. I am for alternative to incarceration, that is why there are 13,000 people on probation. That is why the District government is offering employment for 200 people who would ordinarily be in jail because they cannot get a job. They are eligible for parole but they cannot get a job.

So we are at a political crisis and situation such that expansion at Lorton cannot be our sole response. Obviously, Senators Paul Trible and John Warner are supportive of the District. But they have their constituencies too who say we do not want any expansion of Lorton. The same is true with Congressmen Wolf and Parris. So we are in a politically sensitive situation.

My 10 point program that I announced last Friday is a major step to calm the situation down and get us on a positive track. It is a combination of alternatives to incarceration, halfway houses, intensive probation, as well as a treatment facility.

DRUG EPIDEMIC IN THE DISTRICT

We arrested 9,500 people in 1985 on drug-related charges compared to 3,500 in 1984. We are facing, Senator, a drug epidemic in this town. Whenever 60 out of 100 people end up with positive urinalysis, that is those who are arrested, we have an epidemic.

So with this epidemic upon us, we need a treatment facility for drug addiction, alcoholism, and those hard-to-deal-with young people who will be sentenced under our local youth act.

RESPONSIBILITY OF ATTORNEY GENERAL FOR DISTRICT PRISONERS

Senator SPECTER. Let me ask you a question, if I may interrupt at this juncture, on the issue of the Attorney General's responsibility for maintenance and custody of people who are convicted in the District of Columbia. Recognizing the sanctity of home rule and recognizing that the judgments have to come from you as Mayor and the City Council—and we have representatives here from both branches—what is your thought as to your own sense of whether the Attorney General ought to take custody of this issue?

Mayor BARRY. Mr. Chairman, as you know, in title 24 of the D.C. Code every sentenced prisoner, whether misdemeanor or felon, is technically and legally in the custody of the Attorney General of the United States of America. We believe that the U.S. Government in general and Attorney General in particular have not carried out their responsibilities.

We have been trying desperately to get them involved more than they have been. I have written them at several levels. I have talked to the Attorney General himself on at least two occasions, and just as recently as Monday. I have talked to Deputy Attorney General Lowell Jensen about doing more, and being more involved.

We tried to make the Attorney General a party to our suit. But Judge Bryant turned us down, because I guess it was his view he should have been brought in much earlier than now. And legally I guess after 15 years——

Senator SPECTER. Mr. Mayor, would you be willing to have the Attorney General take custody if it meant giving up that aspect of home rule?

Mayor BARRY. Well, we are willing to share our responsibility in this case, Mr. Chairman. Already there are 2,400 D.C. residents in Federal prisons around the country that we pay $42 a day per person out of our own budget. We run a good prison system, one of the best in the country.

And depending on what you mean by taking charge, I think the Federal Government ought to take all sentenced prisoners from this point on for a while to give us some breathing room to get some more facilities and more programs together.

Our ultimate goal here, Senator, would be to try to reduce the amount of criminal activity in this town.

STATUTE AUTHORIZING CUSTODY OF D.C. PRISONERS BY THE ATTORNEY GENERAL

Senator SPECTER. I agree with you. But if you take a look at the language of the statute, "all persons convicted in the District of Columbia for any offense," skipping some language, "shall be committed for their terms of imprisonment," skipping some language, "to the custody of the Attorney General of the United States." Now, that is a flat statement that it is the responsibility of the Attorney General to take custody and really to handle the prisoners.

Now, that is flatly inconsistent with home rule. And what has evolved has been that it has been the responsibility of the city. It has been under the executive branch.

The question is: If we are to follow the mandate of existing law it would not be your problem any more. Similarly you would not have control of it any more. And I think as a threshold matter, it has to be the judgment of the city officials as to whether you would be willing to cede this issue as to home rule.

Now, there are a lot of ramifications as to whether it is a precedent for other matters. And we all know all the ramifications of it. But that is the issue which I ask you, and I am going to ask the others present.

MAYOR BARRY'S VIEW OF THE ISSUE

Mayor BARRY. Mr. Chairman, I have not discussed this issue with members of the Council, and I do not know their views. But I think we are probably unanimous in our views that the D.C. government ought to control the entire criminal justice system, that is the appointment of judges, prosecution of local crimes, felonies and misdemeanors, and the entire parole system as well as incarceration.

Since the system is bifurcated and since the D.C. government has no say in the policies and practices of the U.S. Attorney's Office, and since we do not have any control over who our judges are in terms of their judicial philosophy and their competence, it seems to me that since the criminal justice system is divided, then legally the Attorney General ought to have responsibility for all these prisoners.

On the other hand, I do not want to give the impression that we are chickens down here, and we just abort leadership and will not take on our own responsibilities. I think a good compromise in this situation would be for the Federal Government to take all of our sentenced prisoners until our capacity can be increased.

COUNCIL CHAIRMAN CLARK'S VIEWS ON ISSUE

Senator SPECTER. Chairman Clarke, what is your view of the issue?

Mr. CLARKE. Senator Specter, I agree with the premises but not with the conclusions of the Mayor. It would obviously work a lot better if the responsibility were in one place. For some reason the wisdom of the Congress at the time of the creation of the Home Rule Act was to continue a bifurcated system.

The section which you refer to does have a few other subsections to it. And those other subsections do indicate that the District of Columbia would have the responsibility for the maintenance of a facility, and that that facility would be one of the places to which the Attorney General could designate people for incarceration.

In 1977 I believe—and I sometimes get my years wrong—the then President of the United States suggested that we take responsibility for the Marshal Service. And the Mayor and I joined in that and said, no, we are not going to do that unless we can do the whole thing and work operationally together.

I think the same thing works here. If you are not willing to do that, then I would suggest as an alternative that you pass a law which would require the U.S. Department of Justice in terms of its responsibilities, one, for the receipt of our prisoners; and two, for the operation of the Federal Bureau of Prisons.

The D.C. court system, which is responsible more to you than us, and us must come together to create a comprehensive public safety plan which includes projected populations for the future around which some reasonable kind of decision can be made. I understand as soon as the Mayor agrees without the matter ever coming to the Council, the Mayor says we stand on the sidelines. Nothing has ever been sent to the City Council for us to disagree with.

But whatever the disagreements between the Mayor and the Council, as soon as the Mayor agrees to build an institution for 800, the Department of Justice says it wants an institution for 2,000. And that just feeds the fuel for my thinking that the real bottom line for the Department of Justice in this is to fill the Federal Bureau of Prisons and the D.C. prisons.

I think the better thing you could do is pass a law and require us, D.C. officials and Federal officials, to come together and report back to you with a comprehensive public safety plan for the District of Columbia that includes population projections over a period of 20 years. Then we can begin to put together what we need to put together.

But the idea that we are going to build a prison this year and go all around the city with this kind of neighborhood hopscotch of where we are going to place the prison and put our people through the hell we have been putting them through, next year here comes the Department of Justice and says you are going to have to build another one, is ridiculous for our people, us, and for you.

ROLE OF ATTORNEY GENERAL IN DESIGNATING PRISONERS

Senator SPECTER. Chairman Clarke, I understand your interest in a comprehensive public safety plan, and I think it is a good idea. But on the narrow issue as to who ought to control the prisons, I take it you do not want to give that up to the Attorney General?

Mr. CLARKE. The Attorney General's responsibility under the statute, as I understand it, is to designate where the prisoners ought to go. And I think that he should not be designating prisoners to an overcrowded prison.

Senator SPECTER. I think it is broader than that. It says the prisoners convicted in the District are remanded to the custody of the Attorney General. He is the custodian, just like he is the custodian of prisoners sentenced in the Federal courts.

Mr. CLARKE. That is correct. And I think that we should have been stronger in arguing that before the courts of the United States. Because I think it is a valid and central point.

Senator SPECTER. Chairman Clarke, I do not think that the Attorney General is necessarily going to take on this problem. I think he probably will not. But nobody can suggest to him that he should do so until the city officials are willing to do that.

Mr. CLARKE. Well, I think with all respect, Senator, that the Mayor has indicated—that the Mayor has made that point to the Attorney General, and it has been made before a court. And I have just indicated to the Mayor, and I think he has indicated to me, that we should appeal that to the highest levels. That is already the law.

Senator SPECTER. I do not think the Mayor has made the point to the Attorney General. The Mayor has said that he has tried to bring the Attorney General in as a defendant in the case. And the judge said it is too late because the litigation is 15 years old.

I do not think that anybody has said to the Attorney General the statute makes it your responsibility, take it on. I do not think the Attorney General would be wise to even consider taking it on in the face of home rule unless the city said we are agreeable to that. That is my question.

Mayor BARRY. Mr. Chairman——

Mr. CLARKE. I am willing to yield, Mr. Chairman, but I just want to make the point that the Attorney General of the United States has an oath like the rest of us do to abide by the laws of the United States. And this is one of them. And that does say that he has the responsibility.

But the point I am making, the section goes on and says that there is also a D.C. correction facility under the authority of the District of Columbia, and that is one of the places to which the Attorney General may make commitments. What he is doing is he is making all of his commitments to that.

And he is creating the illegal situation that exists at Lorton by his decision of where to appoint people. I do think somebody ought to say to the Attorney General—I think the Mayor said he said it, and if he did not say it and if the Attorney General answered my phone call I will say it—he ought to be abiding by that law.

Mayor BARRY. Mr. Chairman, for the record, I have on several occasions in writing indicated to the Attorney General that title 24, section 425, was applicable here, and that the Attorney General ought to stop designating the Department of Corrections as a place of confinement for D.C.-sentenced prisoners.

Mr. Chairman, I have indicated to you my willingness to discuss the feasibility and possibility of the Federal Government physically and administratively managing any new institutions. I am in no big hurry to continue to manage the system I have no control over all the parts.

Senator SPECTER. Mayor Barry, have you ever said to the Attorney General that it would be agreeable with you if the Federal Government took over the operation of management of the D.C. prisons?

Mayor BARRY. The entire system?

Senator SPECTER. Yes.

Mayor BARRY. I never said that.

OPENING REMARKS OF CHAIRPERSON OF COUNCIL'S JUDICIARY COMMITTEE

Senator SPECTER. Let us turn now to the Honorable Wilhelmina Rolark, Chairman of the Judiciary Committee. We welcome you here, Madame Chairman, and look forward to your testimony. The subcommittee would be especially interested in your sense on the home rule issue as to whether this is a hot pot you would want to send to the Attorney General's hands.

Ms. ROLARK. Thank you, Mr. Chairman and members of the subcommittee.

I am, of course, indeed honored that you have requested my comments on this whole issue of the prison crisis within the District of Columbia. But before I comment, I would thank you and the committee not only for your leadership but what you have done, particularly with the education initiative. But of course you know that is down at the bottom line of all this problem. That $40 million that you provided certainly will do—I hope will go a long way toward reducing crime and addressing this whole issue.

I must begin, however, by saying that nowhere in our entire system of government is the adverse effect of our own limited home rule authorities more dramatically demonstrated than in this criminal justice area.

And Mayor Barry and Chairman Clarke have stolen some of my lines. And you have indicated that your time is constrained. So I will not just read a long, long statement.

But I must say that I agree completely with Mayor Barry when I say that we do not have control of the criminal justice system. You, of course being the distinguished lawyer you are, understand it is bifurcated, and therefore it is impossible for us to achieve coordination of all of our public safety questions when the courts, prosecutors, and even the ultimate custody of our prisoners remain in the hands of the Federal Government.

I just appreciate the opportunity to speak publicly on this issue because we have been asked to formulate and administer a cohesive, comprehensive, and effective public safety plan and to solve the prison overcrowding problems and correct hopefully the deficiencies in our system that do predate home rule.

Yet as I indicated before, the key authority, the key players, prosecutors, judges, and parole officers, fall in some respects partially and other respects competely outside of our authority.

Even though the Mayor and I may have disagreed in some respects on the need for a new prison, then in all fairness—and we are very, very close personal friends—the blame for the current crisis is to be equally shared by yourself, that is the Federal Government.

If Congress seeks to grant us complete home rule and all the shortcomings that have been created, we must consolidate the criminal justice authority if we are to solve it. In fact, you yourself in asking the questions that you have, the need to consolidate criminal justice authority is implicit in your recent suggestion to transfer administrative authority from the D.C. Department of Corrections to the Federal Government. While I agree that consolidation is needed, and it certainly is, it is clear that that authority for the District criminal justice management must be lodged in my mind.

And this would be my answer within the home rule authority of us, that is the District of Columbia and not, as you have implied or perhaps suggested, to Federal interruption into our matters.

The Federal Government involvement I believe—and this is my belief—has contributed very much to our problem. And no where is that more evident than the present snafu on the funding for the prison. And I will not go into that because it has been addressed.

But it was ludicrous on the eve of Mayor Barry's selection of a site that we got the news that the $20 million cut was in the President's budget. And I think you wrote a letter about that yourself, Mayor Barry.

I must—and this is me—oppose your proposal to transfer authority from the Department of Corrections, that is in terms of management of our system.

Senator SPECTER. It is not my suggestion. I make no suggestion. I make no proposal.

Ms. ROLARK. I thank you very much. I am glad. Well then, I will certainly revise that. And I apologize to you. I know you are a strong proponent and friend of ours, but I misunderstood that. That was misinformation on my part.

You know yourself that I have testified before you last March when Mayor Barry said we finally came to the conclusions to build a prison in the District, that I feel that bigger and better jails are not really the answer. Education and training of youth is. I think you believe that too, some of it. I must use the word think because I will not say what you are saying or suggesting.

We need more creative solutions to this problem. Because although we will face this problem and will face it for a long, long time, I just think that new prison construction, bigger and better jails, may not be the answer.

INCARCERATED POPULATION OF THE DISTRICT

I am aware of the large number of persons that we have incarcerated in our present facilities. The District has one of the highest rates of incarceration in the entire world. We lock up 13,000 persons, 13 persons per 1,000. And only the Soviet Union and South Africa have higher rates of incarceration than ours.

And who is incarcerated? And this is what hurts me most. Almost exclusively it is young, black men. Ninety-three percent of the persons incarcerated in District institutions are black men. Seventy-two percent are young, between the ages of 21 and 35. And 60 percent have not even graduated from high school. In fact, when we look at the youth centers, less than 25 percent have graduated from high school.

The vast majority of them also are jobless. Fifty percent reported that they were unemployed at the time of their incarcerations. Another 60 percent are without jobs. Something must be done to alleviate these problems by meeting their causes head on to keep our young black men out of prison during their early adulthood, because recidivism is one of the main problems we also have to encounter.

And of course, you yourself have spoken to the fact that the problem of overcrowding is not unique to the District of Columbia. It is shared all across the country, across the Nation. Where new prisons have been built, they are overcrowded on opening day. The National Institute of Justice reports that there is little evidence that crime rates are directly related——

Senator SPECTER. Councilwoman Rolark, are you nearly finished?

COUNCIL HEARING ON PRISON RESOLUTION

Ms. ROLARK. I can wind right up.

I just want to say to you, Senator, this evening we are having in the Council a hearing, which Chairman Clarke alluded to, on a resolution which I introduced to disapprove the consideration of prison sites within the District of Columbia. And I would like to say, Chairman Clarke, it is not just eight or nine of us that cosponsored this. It will be the largest hearing which I have held since I have been chairman.

I must say I have made several mistakes in this, maybe, but one I would like to confess to in the statement. And of course, because I do not mean to be disrespectful of you, and because I do have the highest respect for you, and you know that, we are trying to solve this problem.

And with your commitment to home rule, I am sure that we can continue our support and our efforts to meet this problem head on. We will meet very hard on it.

Senator SPECTER. You can count on my support. And if it is the judgment of the city officials that you wish to retain control of the prison system, I am all for you, I am all for you.

EXECUTIVE'S POSITION REGARDING CONTROL OF PRISONS

Mayor BARRY. Mr. Chairman, I would like to make the executive branch's position very clear, that we are capable of managing some parts of the system. But on the other hand, title 24 also includes language stating that the Attorney General should take overcrowding into consideration as far as prison assignment.

We think that the Attorney General has been derelict in his responsibility on title 24. I wish you could find a way out. I cannot do it.

And Attorney General Meese and I communicate on other issues fairly well. And he has been supportive of the District on other problems. But on this issue he has been unresponsive. They are willing to talk on the telephone, but that does not solve our problem. They would not come here today to join us at this hearing.

Senator SPECTER. Mayor Barry, you are right that they would not come here today. You have said it and I will confirm it. The Department of Justice declined to appear because of their own internal rule requiring 14 days notice.

I wrote to the Attorney General and expressed my concern about that and set another hearing, which is the only option that I have as chairman. We are going to have another hearing, do this again, 2 weeks from today on April 9. And perhaps at that time we can have some better appraisal.

Chairman Clarke, I know that you cannot in 2 weeks get a comprehensive study. I frankly have a concern as to the numbers involved in what has been proposed for a 700- or 800-bed prison. We will have the results of the Council hearing tonight.

I must say that I do not think that it is realistic to look to expansion of Lorton. My own sense is that there is going to have to be a site within the District of Columbia. The Mayor has come forward with the site. People have asked me where the site should be and I would not begin to say on that.

I know that we went through this in Pennsylvania where we were to have a new prison for the eastern part of Pennsylvania that was enacted in December 1965, and the site was never chosen. They proposed it as far away as Mount Gretna, which was 80 miles from Philadelphia. And you could not have the kind of counseling and psychiatrists available there.

The only place we would agree in Pennsylvania to build a prison was New Jersey. And that is a fact.

I simply do not think you can agree to build a prison in Maryland. Why not in Maryland?

Mayor BARRY. One jurisdiction, one State is enough to fight with, Senator.

Senator SPECTER. I agree with you, Mr. Mayor.

OPENING REMARKS OF COUNCILMEMBER WINTER

Let us turn to Councilwoman Winter at this time. Thank you for joining us. You are the happy recipient of the site of the prison.

Mayor BARRY. Right in her Ward.

Ms. WINTER. Three of them.

Mr. Chairman and staffers and members of this subcommittee, I am probably the only one here on the other side. If you will recall, I was the first out to applaud you for recommending that we build a jail. I did not like the part of the District of Columbia, but I was well aware of the fact that we needed a jail.

We have to look only to the statistics of each year seeing the escalation in our budget. It should have told us something 2 years ago after it was known. You recommended that we have a jail. The Council members came out in opposition and so did the Mayor. It was only here lately when the pressure was beginning to build that Mayor Barry changed his tune about building a jail.

I would like to say to you, Senator, that my opinion may appear to be a bit selfish, and it is. We already have a jail in ward 6. Ward 6 is an area of the rich and the poor, the black and the white. And I must say here on the record that I believe over 130 Congresspersons and Senators live in my ward. I think we have a mixture. We have begun to do some things to improve the area.

I believe we need to discuss three things very quickly. I will only mention them due to your time. One is of temporary space. I am concerned about temporary space. To go into a residential neighborhood zoned as R–4 and talk about building a jail is ludicrous while we are downtown with old cellblocks.

I have the fiscal year 1985 budget here, Senator. I would like to enter it for the record. It talks about how much space we have downtown where prisoners could be housed on a temporary basis, close to the courts, close to our employment services, close to human services, all the amenities that a person would need for rehabilitation, downtown. Yet we go to a residential neighborhood to house prisoners on a temporary basis.

I looked at the space, Superior Court A and Superior Court B. And Mr. Chairman, I want to say to you while we talk about the $50,000 hammers for the Department of Defense, we have but to look at what we are doing here in the District of Columbia. Huge rolls of brand new carpet and furniture stored in space that we could use to house our prisoners while we are putting them on buses, and taking them to Pennsylvania.

I think we need to immediately—the space has not been used—begin to clean out those cellblocks and to use them. That would take care of 300 or 400.

The second thing I would like to mention very quickly to you is that, Senator, I am opposed to having the Federal Government take over. I think we should move quickly to talk about a Comprehensive Plan. If the Federal Government takes over, all we are going to be seeing, in my opinion, is what the Federal Government has done to date: More prisoners and jails in residential neighborhoods. We do not need that.

We are taxpayers too. We have a $2.4 billion budget. As I look around this Nation, where are the jails? They are in the downtown area. I just left Seattle, and I have visited Chicago, Baltimore, and Richmond. I have but to mention Philadelphia. I think the jail ought to be in the central city, not in residential neighborhoods.

And last, Senator, I want to support Mr. Clarke's position. We have Lorton. I heard Senator Warner refer to recent acts of violence that have been happening in Fairfax County. You are talking about recent acts of violence and 2,300 acres, with no houses close to that particular site. And to look at my ward, in less than 500 feet we have people, senior citizens. And they have to go through the noise, the traffic. There has been no environmental impact statement.

I think it is a disgrace that the Mayor would even suggest using the old jail site to put a new, "treatment center." I do not know where I am going to take my case, Senator.

Senator SPECTER. Where would you suggest putting it downtown? On the Mall?

Ms. Winter. As I said, on a temporary basis. I would like to invite you, Senator, to see what I have just alluded to. I am reading our——

Senator SPECTER. I understand that. But where would you put it downtown?

Ms. WINTER. Well, we have the old Wax Museum site, and I think it has been talked about. And look at New York Avenue. It is not downtown, but there are no houses close by.

I am not going to say anyplace but ward 6. But I certainly could choose your site even in Georgetown if you want me to go shopping for you. But I think the better sites are some the Mayor has alluded to originally.

SELECTION OF PRISON SITE

Senator SPECTER. Mayor Barry, would you comment on the reasons for the recommendation of your site. And then we are going to move on.

Mayor BARRY. Mr. Chairman, these decisions are agonizing and very tough. They are not the kind you make without considerable thought and analysis of options.

As I said, I have been wrestling with this situation, and came to the conclusion that we needed intensive alcohol and drug treatment kind of facilities. D.C. General is our public hospital. The Government subsidizes a major percent of D.C. General's costs.

Also in the D.C. General complex we have a mental health clinic, area C, which has psychiatrists and psychologists there. And it is our view that the institution—we are not talking about a temporary place now, this is a permanent facility, as long as we have these permanent problems—should be located on this site. That is close to D.C. General. Physicians of D.C. General could go right across the walk there, and help medically with the treatment. The psychiatrists and psychologists in area C could help with the psychological and emotional counseling there.

It is an ideal place for it in terms of the program part of it. Recognizing, Senator, I am probably the only one at this table who wants and would welcome a prison in my neighborhood. If I had the space next to me I would welcome a jail. I think it is my responsibility to address these problems. Nobody wants it. But I think it is a lesser of the evils. Downtown, first of all, the land is extremely expensive.

Senator SPECTER. I am reluctant to interrupt, but I am just advised that the water bill has been called up. So I want to move through as fast as we can.

Go ahead and conclude.

Mayor BARRY. Very quickly, Senator, we are going to use cellblock B which is in the control of the courts. We have renovated cellblock B. And the judges have approved our moving in this weekend to house 64 weekenders. That is only for the weekend. We will shortly request permission to use cellblock A to house prisoners.

We hope we can convince the judges once the weekend works out OK, because we have 10 showers down there, sanitation, that they will approve its use during the week, particularly for misdemeanors, people who are not dangerous. Also cellblock A has 80 spaces. The most, Mr. Chairman, we are talking about 160 spaces temporarily downtown.

But these numbers demonstrate that until we reduce the crime rate and criminal activity in this town, that we are working hard at, we need a permanent facility.

Also let me say I share the statistics with Council members from time to time. We are not talking about Sunday school kids here, we are not talking about Bible-toting kids in these facilities. When you say temporary, you have got to have strong security measures.

I am not about to put in anybody's neighborhood dangerous criminals that can break out and go and do something to them. We are not talking about Sunday school kids. Out of 42,000 arrests, there are 13,000 convicted each year, these are the roughest and toughest people we have in our society.

So we have the possibility of 160 spaces downtown. The land is expensive down there. But we believe that D.C. General and area C is the ideal place.

CONCLUSION OF HEARING PANEL

Senator SPECTER. We are just going to have to conclude now. We are going to regrettably do this again on April 9 when we will have a representative from the Department of Justice here. Perhaps there can be some progress made with the Council after your hearings tonight as to locale in conjunction with the Mayor.

You are all invited back. We will revisit this issue. It is my hope that we can move ahead and get something done. Thank you all very much.

[CLERK'S NOTE.—The subsequent hearing was held April 16, 1986.]

Mr. CLARKE. If I might, you directed one comment to me. And I will be very quick. I will come back in 2 weeks if you invite me. But we will be back 2 weeks after that and 2 weeks after that and after that unless we get this comprehensive plan. And only you can do that. Only you can require the courts and Department of Justice to come to the table with us. Thank you.

Senator SPECTER. Chairman Clarke, I do not think I can. I will be back in 2 weeks, but I am not going to be back 2 weeks after that. I am prepared to provide some leadership and help. I think I have. And I think I have demonstrated it.

But I am just about at the end of my patience, I really am.

Mr. CLARKE. We all are too.

Senator SPECTER. I am prepared to bring the Federal Government—

Mr. CLARKE. I am not talking about at the table, sir. What I am suggesting is that there be a law passed, under the force of law requiring those instrumentalities of the D.C. government that are responsible to the Federal Government to meet with us, and requiring us to develop a plan so we have the numbers for the future.

Senator SPECTER. We will have order please, order while we are proceeding with this hearing.

Chairman Clarke, I think you know how hard it is to get an ordinance through your Council, let alone a law passed through Congress.

PRISONS PANEL

STATEMENTS OF:

KENNETH TACK, VICE PRESIDENT, 268 CENTER, INC.

THOMAS DOWNS, DEPUTY MAYOR FOR OPERATIONS, DISTRICT OF COLUMBIA

SENDING MISDEMEANANTS TO COWANSVILLE, PA

Senator SPECTER. There is a matter on the Senate floor that will require my attention as soon as it is reached. Mr. Tack and Mr. Downs, this phase of the hearing seeks to inquire into the circumstances leading to the sending of some 55 misdemeanants to Cowansville, PA. And the subcommittee is especially interested in the issue as to what notice was given to the Commonwealth of Pennsylvania, to the Governor's office, to the State police.

There has been the complaint made that repeated efforts by correctional authorities in Pennsylvania to find out what was happening were not responded to. That is the focus that the subcommittee has in mind.

I know that Mr. Tack may want to make some comments about the operation of the 268 Center. We are pleased to welcome you here for that purpose. But one of the focuses is as I have just stated.

Mr. Tack, thank you for coming. You may proceed.

Mr. DOWNS. What is your pleasure, Mr. Tack or I first?

Senator SPECTER. Mr. Tack.

Mr. TACK. Thank you, Senator, for inviting me. This became a rather awkward situation. I realize you are under significant time restraints, and I have nothing specifically prepared, no prepared statement depending upon how the tone of the hearings go.

Senator SPECTER. If you have no statement, let me pose a question.

Mr. TACK. Certainly.

PROPOSAL TO SEND FEDERAL PRISONERS TO PENNSYLVANIA

Senator SPECTER. Why should the Commonwealth of Pennsylvania be the recipient of 55 misdemeanants from the District of Columbia without approval by the law enforcement officials of the State of Pennsylvania?

Mr. TACK. I think I could answer that by giving you a little bit of background if I might. We have been dealing with the Federal Bureau of Prisons in the development of taking Federal prisoners at our facility. One of the steps that was required to make sure that this type of situation that did occur would not occur was that the Federal Government checked with the Governor of Pennsylvania to make sure that it would be permissible to admit Federal prisoners.

Senator SPECTER. Have Federal prisoners ever been admitted to the 268 Center?

Mr. TACK. Tentatively that was to begin April 1.

Senator SPECTER. So the answer is no?

Mr. TACK. No; it did not.

Senator SPECTER. Did the Federal Government check with the Governor's office concerning these 55 prisoners?

Mr. TACK. These 55, no, sir.

Senator SPECTER. Why not? Why did somebody not check with the Governor's office or State police or Pennsylvania Department of Corrections?

Mr. TACK. We notified the State police as soon as we knew that the prisoners were to be transferred, informing them of their tentative arrival on Friday.

Senator SPECTER. What time did you notify the State police? Did you notify the State police? Did somebody.

Mr. TACK. Mr. Taylor, our director, is here. He notified the State police.

Senator SPECTER. Step forward, Mr. Taylor, please. Did you notify the State police, Mr. Taylor?

Mr. TAYLOR. Yes, sir. Approximately 9 p.m. on Thursday evening I advised them that we were expecting sometime in the next morning 55 inmates from Washington, DC.

Senator SPECTER. What response did you have from the State police?

Mr. TAYLOR. He thanked me for the information and asked me to advise him of the approximate time they would arrive.

Senator SPECTER. What action next was taken by the Commonwealth of Pennsylvania on this issue?

TEMPORARY RESTRAINING ORDER OBTAINED

Mr. TACK. On Friday, approximately 4 p.m., a temporary restraining order was obtained from Commonwealth Court at the direction of the attorney general of Pennsylvania forbidding us from accepting these 55 inmates.

Senator SPECTER. The Governor wrote to me by letter dated March 18 as follows:

> Without consulting Pennsylvania law enforcement or correctional officials the District of Columbia government contracted with privately owned and operated Center 268 in Cowansville, Armstrong County, to house some 55 District of Columbia prisoners at the center.

Senator SPECTER. I will shift to you, Mr. Downs, for just a minute if we may. Is the Governor's statement correct?

Mr. DOWNS. As it is written, yes, sir.

Senator SPECTER. Why didn't you consult with Pennsylvania law enforcement and correctional officials, Mr. Downs?

Mr. DOWNS. Again, in the interest of your time, I will be brief. I would like to try and address it in the context in which it was unfolding.

We have been attempting to place prisoners in a facility in the District, but we have a temporary restraining order against doing that. We have been looking at the problem of population controls at the jail. We were casting about for alternatives.

The 268 Center had sent several unsolicited letters, and a proposal on videotape, to the District outlining their facility and the opportunity to utilize it. We responded to that proposal after doing some additional checking on the legality and the requirements for approval of the Attorney General of the United States. We were told by the 268 Center that they had been in negotiations with the Federal Government for placement of prisoners, and that notification process had been made to the State, and that they were, in effect, negotiating with the State over the placement of Federal prisoners.

We told them that our prisoners were designated to the custody of the Attorney General and that we would make clear in writing, that the Justice Department considered this an approved facility.

We are in an area, with 268, where we are attempting to create—we are in an area where we are in effect making new regulation and law every day.

CONTRACTING WITH PRIVATE COMPANY

When we contacted 268, it was in the context of contracting a private company. We reassured ourselves, after looking at Pennsylvania law, that there was not a specific statutory or regulatory control item for the State of Pennsylvania. We determined that the business responsibilities of this private company were to notify the State of this contract.

We probably made an error in not contacting the State sooner. Our assumption was that we were dealing with a private business within the State, and that 268 had responsibilities of their own in the notification process.

CALLS FROM GOVERNOR THORNBURG

Senator SPECTER. Mr. Downs, what you're saying is you thought you did not have to consult with the State? Governor Thornburg's letter goes on: "District officials refused on Friday to accept repeated calls made by Commissioner Glen Jeffeys to discuss the issue and proceeded to send two busloads of prisoners to the Cowansville Center." Despite what you thought was your responsibility, was it true you refused on Friday to accept repeated calls?

Mr. DOWNS. Mr. Chairman, at about 3:15 p.m. Friday, March 14, Mr. Glen Jeffeys called the office of the director of corrections in the District. And he was told that the Director was not in the office. At 5:15 the assistant corporation counsel returned the call, conferred with Mr. Jeffeys, and apologized for the director not being available at that time.

Senator SPECTER. So you are saying the Governor is wrong?

Mr. DOWNS. He confirmed verbally——

Senator SPECTER. I want to know was that the only call that was not taken, because someone was unavailable? Because the Governor had said here the District government refused to accept on Friday repeated calls made by Commissioner Glen Jeffeys.

Mr. Downs. We did confirm at that time 55 prisoners would be en route. ~~We give~~ them the estimated time of arrival. Mr. Jeffeys thanked them for the information.

Senator Specter. Let me repeat once again for the fourth time my question. Did District officials refuse on Friday to accept repeated calls made by the Pennsylvania commissioner?

Mr. Downs. That is wrong, Mr. Chairman. At 5:45 Mr. Mike Edmonston called the assistant corporation counsel. He represented that he was chief counsel to the Pennsylvania House Judiciary Committee. We had the same conversation with the assistant corporation counsel. Mr. Edmonston talked with the Director of Corrections for the Commonwealth of Pennsylvania.

Senator Specter. Mr. Downs, do you maintain logs of calls which come in?

Mr. Downs. We do within corrections, sir.

Senator Specter. Would you please make them available to the subcommittee. I would like to review those logs to see what those logs show as to calls coming in.

STATE POLICE ORDER IGNORED

The Governor goes on in his letter:

> Pennsylvania State Police stopped the buses Friday night on the Pennsylvania Turnpike, advising D.C. corrections officials aboard that Commonwealth Court Judge David D. Craig had issued an order prohibiting Center 268 from accepting these prisoners.
>
> The State police order was ignored by D.C. officials and prisoners were taken to the Cowansville center where they spent the weekend. Subsequently, Judge Craig amended his order to allow the prisoners to remain at the center until Tuesday.

My question, Mr. Downs, is, Is the Governor correct when he said the State police order was ignored by D.C. officials and the prisoners were taken to the Cowansville center?

Mr. Downs. Mr. Chairman, I will respond. Mr. Tack would like to also.

When we were notified by the State highway patrol that we were to be stopped, the assistant corporation counsel called the judge at 9:15 p.m. that evening, Friday, and obtained from the judge that evening at I think about 9:20 a stay of the temporary restraining order. We then proceeded.

Senator Specter. Well, were the prisoners taken en route prior to the amendment to the judge's order?

Mr. Downs. I am not sure of the exact sequence——

Senator Specter. They had an order. They stopped the bus. What happened next? Was the bus stopped there or did the bus proceed to Cowansville? If it proceeded to Cowansville, it is in violation of the judge's order? After you get the order changed, you can obey the order. The question is whether you obeyed the existing order?

Mr. Downs. Mr. Chairman, I will be glad to get statements from both the correctional officers with the bus and attempt to obtain a statement from the lieutenant who was in charge of the highway patrol. The highway patrol's orders were not clear at the time, as I understand it, and I will be glad to attempt to get clarification in writing from both the highway patrol in Pennsylvania and our correctional——

Senator SPECTER. Are you saying that the prisoners were taken to Cowansville because the orders were not clear; is that what you are saying?

Mr. DOWNS. No; I think it was unclear as to what the orders were on the highway. We were told that at the prison we would be stopped and that we would not be allowed entry. It was unclear as to whether or not they were to pull over on the turnpike and park.

ATTEMPT TO HAVE RESTRAINING ORDER STAYED

As soon as we were notified that there was a restraining order, we immediately contacted the judge to have that order stayed. There was some confusion, as I understand it. But I will be glad to get back to you a written statement from the parties involved as to exactly what was conveyed to them on the road.

Senator SPECTER. Well, what happened in the interim, Mr. Downs? What was done with the 55 prisoners?

Mr. DOWNS. They were still en route at the time we were notified by the highway patrol.

Senator SPECTER. So they continued en route?

Mr. DOWNS. I understand at that time they were on the turnpike, and they did continue.

Senator SPECTER. After you were notified that there was a judicial order which prohibited them from going to Cowansville?

Mr. DOWNS. The troopers said that we would be stopped at the gate and not allowed entry, and that the facility was ringed by highway patrol officers.

Mr. TACK. Senator, I might be——

Senator SPECTER. Just a minute. And what happened next, Mr. Downs?

Mr. DOWNS. Again, as soon as we were notified of the judge's order, we contacted the judge and asked for a stay. It was granted.

Senator SPECTER. And what happened in the interim before the order was changed?

Mr. DOWNS. As I said, they were on the turnpike and proceeded. It was not clear that—the order was never given, as I understand it, to immediately stop, cease and desist, or to leave Pennsylvania. Those orders I do not believe were given. But I would again be glad to get clarification in writing.

Senator SPECTER. Would you please. You knew that there was the subject of inquiry today. I would have expected you to have that information so you could present it to the subcommittee at this time.

Mr. DOWNS. My apologies, Senator. I will be glad to get it for you.

Senator SPECTER. Why do you not have it now? You were informed as to this issue; were you not?

Mr. Downs. Frankly, Senator, I was not informed that I would be called as a witness to testify.

Senator Specter. Well, you are on the witness list. Staff says he spoke to you yesterday, told you you would be a witness.

Mr. Downs. My apologies, Senator.

[The information follows:]

MEMORANDUM ON CHRONOLOGY OF EVENTS

MARCH 26, 1986.

To: Marion D. Strickland, Assistant Director.

Through: Bernard L. Braxton, Acting Administrator; Willie B. Meekins, Sr., Acting Lieutenant Colonel.

Subject: Movement of (55) residents from D.C. detention facility to Center 268, Cowansville, PA.

Reference: Chronology of events.

On March 14, 1986, the undersigned reported to duty to assume supervision of transporting 55 residents from this facility to Center 268 in Cowansville, PA.

At 4:55 p.m. two buses and one carryall departed this facility with 55 residents on board the two buses with a total of (6) correctional officers and (1) vehicle mechanic from the transportation unit. The trip proceeded 20 miles past the Pennsylvania State line without interruption. At 9:30 p.m., 20 miles into Pennsylvania we were stopped by a Pennsylvania State Trooper. The trooper related that a judge had issued an order earlier in the day stating we were not to proceed to Center 268, and that we should turn back. Upon receiving this information I requested to be escorted to a telephone to call for instructions. With my request we were escorted to a telephone in Summerset, PA. I then called Mr. Taylor at Center 268, who at that time related to me he was on a conference call with Mr. Metcalfe King. Mr. Taylor further related to me that Mr. King stated to proceed to the center and he would get in touch with me later up the road. I then told the State trooper that I had received instructions to proceed. They allowed us to, however, after another 50 miles up the road toward the center at 10:40 p.m. we were stopped again by two State troopers, they told us to call Mr. Metcalfe King. Mr. King at this time instructed us to proceed on to the center, he had gotten permission for us to spend the night. The State troopers led us to the center, we arrived there at 2 a.m., March 15, 1986.

LIEUTENANT T. ADAMS.

COST OF TRANSPORTING PRISONERS

Senator Specter. Mr. Tack, you had something you wanted to add there?

Mr. Tack. Yes, sir. I was present at the time that the bus was stopped—it was approximately at Breezewood—by the Pennsylvania State Police.

Senator Specter. You are quite a distance from Breezewood, are you not, Mr. Tack?

Mr. Tack. Yes; we are. Breezewood is approximately halfway between the District of Columbia and our facility.

Senator Specter. Breezewood is the intersection of Interstate 70 and the turnpike.

Mr. Tack. Right.

Senator Specter. What is the total distance from Cowansville to Washington, DC?

Mr. Tack. I think in the neighborhood of about 250 miles.

Senator SPECTER. What does it cost, Mr. Downs, to send prisoners from Washington, DC, to Cowansville, 250 miles?

Mr. DOWNS. They were on corrections buses. I would assume it was the gas and cost of the guards who were escorting them. I would be glad to provide that information.

Senator SPECTER. Would you please. I would like to know what it cost.

Mr. Tack, did you have something you wanted to add there?

Mr. TACK. Yes; the temporary restraining order from Judge Craig was against us, it was not against the District of Columbia.

Senator SPECTER. Do you have those papers with you?

Mr. TACK. Yes, sir; I do.

Senator SPECTER. May I see them please.

Mr. TACK. Yes, sir; certainly. The attorney general's office attempted—attorney general of Pennsylvania's office—attempted to get the order against the District but was unable because of the view that they were Federal prisoners.

Senator SPECTER. The attorney general controlled the issue for that purpose?

Mr. TACK. I honestly do not know, sir.

Senator SPECTER. It would be pretty hard to get service on the District of Columbia until they entered the State. But I would like to see the papers.

Mr. TACK. What I wanted to add, when the buses were stopped by the Pennsylvania State Police, the officer in charge, Lieutenant Adams, was only told, according to his conversation with me on the phone, that he was to call us. He called us. And at that particular time we had the Assistant Corporation Counsel for the District of Columbia on another line. And he was told to proceed.

Senator SPECTER. Who told whom to proceed?

Mr. TACK. He was told by the assistant corporation counsel to proceed.

Senator SPECTER. Who is the assistant corporation counsel?

Mr. DOWNS. Mr. Metcalfe King.

Senator SPECTER. Would you provide a statement from him as to all details.

[The information follows:]

MEMORANDUM FROM METCALFE C. KING

JUNE 20, 1986.

To: James F. Palmer, Director.

From: Metcalfe C. King, Assistant Corporation Counsel, Chief, Correctional Litigation Section.

Subject: 268 Center.

Mr. Timothy Leeth of Senator Specter's staff has requested that I provide him with a statement of the events of March 14, 1986, involving the placement of fifty-five (55) prisoners at the 268 Center.

At about 7:15 p.m., I was notified by the director, that Mr. Black had received a call from Mr. Kenneth Tack of the 268 Center. Subsequently, I met with the director and the chief security officer, Mr. James Black. Mr. Black narrated that Mr. Tack had informed him that the 268 Center had been surrounded by Pennsylvania State Troopers, claiming they had a court order enjoining the facility from receiving the prisoners.

At this time, I placed a call to Mr. Tack at the 268 Center and received firsthand information of the situation in Pennsylvania. I also spoke to the attorney for the Center who read the temporary restraining order to me. Following discussions with the Center's attorney, we agreed to place a conference call to the Honorable Judge David Craig who had issued the order. The call was placed at about 9:15 p.m. The judge agreed with us that it was unreasonable to turn the buses around with the prisoners in them. He, therefore, modified his order to allow the prisoners to enter and remain at the Center until 1 p.m., Saturday, March 15, 1986.

Following the discussions with Judge Craig, I again called Mr. Tack, and it was during this conversation that the correctional officer called the Center to inform them that he had been stopped on the highway by the State police. I instructed the correctional officer that the order from the judge had been altered and that he could proceed to the Center. While still in the director's office, the correctional officer called again to say the police had stopped him. I took the call and asked to speak to the State police. I informed the State police officer of the amended order and gave him Judge Craig's telephone number to verify my representation. Later that night, Mr. Tack called me at home to inform me that the buses had arrived at the facility under State police escort after verifying that Judge Craig had approved of the prisoners stay at the Center for 1 night.

On Saturday morning, I spoke with Judge Craig by phone from my home, and he agreed to hold a hearing that afternoon on the State of Pennsylvania's motion for a preliminary injunction. I then boarded a flight for Pennsylvania where I participated in the hearing before Judge Craig. I stayed in Pennsylvania and attended church on Sunday morning before returning to Washington, DC. Prior to leaving Pennsylvania, I spoke to the correctional officers by phone and instructed them to make sure that they depart the 268 Center no later than 7 a.m., Tuesday, March 18, 1986, pursuant to Judge Craig's order.

VERBAL COMMITMENT BY JUDGE

Mr. TACK. At that particular time when Mr. King informed us to give the direction to Lieutenant Adams to do that, there was a verbal commitment by Judge Craig that the stay would be on that restraining order until the next morning.

Senator SPECTER. You did not hear the judge say that; did you?

Mr. TACK. No; I did not. Our attorney had at that point.

Senator SPECTER. Who was your attorney?

Mr. TACK. Mr. Robert Hawk.

Senator SPECTER. Would you provide a statement from Mr. Hawk as to what was done here?

Mr. TACK. I will. I have, Senator, a copy of the——

Senator SPECTER. May I see it please. Just one page, a legal document with just one page?

Mr. TACK. It was done in haste, sir.

Senator SPECTER. Those are the ones that are the longest. How about the complaint. This is the order. How about the complaint?

Mr. TACK. You want the complaint?

I am not certain if we have a copy of the complaint with us, sir.

Senator SPECTER. Was a subsequent written order written by Judge Craig; do you know?

Mr. TACK. A later order?

Senator SPECTER. Yes.

Mr. TACK. After the hearing on Saturday, yes, there was a second order.

Senator SPECTER. Do you have that?

Mr. TACK. I hope. Yes, I do.

MATTER NOT CLEARED WITH PENNSYLVANIA DEPARTMENT OF CORRECTIONS

Senator SPECTER. Mr. Tack, do you not think it is necessary if you are going to have prisoners from another jurisdiction come into Pennsylvania, that the matter be cleared with the Pennsylvania Department of Corrections?

Mr. TACK. We had made a sincere effort to try and do that.

Senator SPECTER. How can you say that? Did you tell them that you were about to accept 55 prisoners from the District of Columbia?

Mr. TACK. We notified them that we were dealing with the Federal Government, if they had any problems, let us know. There was never any correspondence.

Senator SPECTER. Did you tell them specifically you were about to take 55 prisoners on March 14?

Mr. TACK. No, sir.

Senator SPECTER. Don't you think you should have done that?

Mr. TACK. No, sir.

Senator SPECTER. Why not? How can you say you should not have done that? Here you are with a correctional facility which is subject to a lot of dispute as to whether there ought to be private prisons, you have 55 people coming in from another jurisdiction, there is obviously public concern as to safety, whether there is adequate security, that they cannot break out of your institution, whether they pose a threat to the people in Cowansville, PA. You have the department of corrections and you have law enforcement officials responsible for public safety.

How can you say that you should not notify the department of corrections what you are about to do?

Mr. TACK. We did notify the State police, which would assist in providing the local protection. The department of corrections we have been dealing with since 1983. And they have refused to offer any direction, any opinion, or any correspondence. They refer back——

Senator SPECTER. The fact that they are hostile does not mean they do not have a role or responsibility. All the more reason why you have to tell them what you are about to do.

Mr. Downs, how about from the point of view of the District of Columbia? You feel that all you have to do is negotiate with the private custodial institution and send your prisoners there without any regard for what the Pennsylvania authorities have to say about it?

STUDYING ISSUE OF PRIVATIZATION

Mr. DOWNS. No, Mr. Chairman. As I said earlier, we probably made a mistake in this process by not going ahead with the notification process. We are in a new area with this issue of privatization. And it is not exactly clear—it is now clear to us in this area if a State has not exercised its regulatory or legal responsibilities over controlling of a private business within its boundaries, what the Commonwealth of Pennsylvania's interests are in a private facility. We would not do this again without notifying the State jurisdiction even in the absence of any clear stated indication of their interest or legal or regulatory framework.

Senator SPECTER. Mr. Downs, I am glad to hear you say that. I am glad to hear you say you would not do it again and you acknowledge the error of judgment. But I do not think you can expect a State like Pennsylvania to have had all this worked out.

They have been studying the matter of private prisons. It is a matter which is under consideration nationwide. There are enormous problems as to whether private prisons are appropriate, handling a discretionary governmental function. I for one do not see how you can see private prisons as to carry out issues of disciplines as one example.

This goes far beyond this hearing and far beyond this incident. But it is especially problemsome to me as a Pennsylvania Senator when prisoners are sent 250 miles into my jurisdiction without notice there, and to have a confrontation on the highway is very unseemly, very inappropriate between two governmental units which are neighbors, and have to have notice, and have to try to work the matters out.

CLOSING REMARKS

I have just been notified that I am due on the Senate floor. So I am going to have to abbreviate. I am sorry I do not have it——

Mr. TACK. I have that.

Senator SPECTER. May I see it.

I would like for you to provide to the subcommittee statements from all those participants. If you have something further you want to say to me, staff will be available to talk to you to get other matters presented that you want to get to the subcommittee.

I would hope that there would be no recurrence. And I have your assurance, Mr. Downs, that there will not be. But I think this underscores the need to find a solution.

I had an opportunity to talk to the Mayor about it last Wednesday night. And the Mayor was most accommodating. And we discussed the matter at some length. And I will say this for Mayor Barry, when we have an issue, we have been able to communicate promptly. We have a meeting of the minds.

SUBMITTED QUESTIONS

I want to get the specific answers here because the officials from Pennsylvania are very concerned about what did happen. And I want answers for the record. And we will proceed to receive the statements. We may have some more questions for you.

[The following questions were not asked at the hearing, but were submitted to Mr. Clarke subsequent to the hearing:]

QUESTIONS SUBMITTED BY SENATOR LAUTENBERG

Question. Granted, this is the Federal Capital and, under the Home Rule Act, we have sort of a hybrid criminal justice system. The District government is given certain powers and responsibilities while others are assigned to the Federal Government. Among the District's responsibilities, however, is the operation of local correctional and detention facilities. Doesn't it follow that the Federal obligations with respect to the construction of a new prison is, at most, only a share of the cost?

Mr. Clarke. It is true that under the hybrid criminal justice system which exists under the Home Rule Act, the District government is given certain powers and responsibilities while others are assigned to the Federal Government. Generally speaking, all D.C. prisoners sentenced to a term of more than 1 year are remanded to the custody of the Attorney General. Although D.C. prisoners are placed in the sole custody of the Attorney General, the District of Columbia pays the total cost of housing and otherwise caring for inmates.

Between fiscal year 1984 and fiscal year 1987, the District's payments for prisoner housing and support will be approximately $400 million including more than $300 million for support of local facilities, the majority of which local facility funds go to support operations at Lorton. In providing the total cost of prisoner care and custody, the District government is carrying the major share of all prisoner costs in our bifurcated, hybrid, local/Federal correctional system.

With respect to facility construction costs, no State level jurisdiction pays the total construction costs of penal facilities to which the assignment of inmates is in the exclusive control of the Federal Government. For that matter, neither does any State pay for the total care and custody of inmates whose facility assignment is totally out of the State's control.

Accordingly, it would seem that any principle which would dictate a sharing of the costs of construction of a prison (to which prisoners are federally assigned) would also dictate a sharing of the cost of care and custody of such federally assigned prisoners. Absent any sharing in the care of federally assigned D.C. prisoners, and in view of the incarceration of some prisoners for the violation of laws enacted by Congress, it seems a reasonable tradeoff for the Federal Government to pay not only a portion, but all costs of prison construction. The credibility and fairness of the Federal Government's bearing all construction costs becomes even more evident if consideration is given to the fact that the annual cost of prisoner care and custody is more than double the projected costs of a new prison facility.

Question. You, Ms. Rolark, and Mrs. Winter, I take it, oppose the construction of any type of new correctional facility within the District. Would you recommend we rescind the $30 million we appropriated last year for this purpose?

Mr. Clarke. No. However, I would still recommend for your consideration the use of that money for creation of new space at Lorton and the enactment of legislation requiring both District and Federal components of the criminal justice system to report back to the Congress with a comprehensive criminal justice plan which includes, at a minimum, a population projection over the next 5 years.

Whether the dollars come from Federal or local taxpayers, there is still the responsibility to use them wisely and efficiently.

The Lorton, VA, site has been the site of a prison since the beginning of the century. There are approximately 2,300 acres of land there of which 500 are being used for prison purposes and 200 for landfill purposes. Therefore, there are 1,700 acres of land available to which the city now has equitable title and for which there would be no cost to Federal or District taxpayers.

There are now approximately 4,367 people incarcerated on those 500 acres of land at Lorgon in admittedly overcrowded conditions. Nevertheless, this represents eight times as much space per inmate at Lorton as will be available for 700 inmates on a 10-acre site in the city. Moreover, there has been no assurance that the new facility will be filled by persons now at Lorton rather than prisoners now in the Federal prison system, so we may well have two overcrowded prisons on our hands.

No matter how much new capacity we create, there will not be an alleviation of overcrowding without a comprehensive plan developed with the input and commitment of each of the components of the criminal justice system. The Nation created 100,000 new places between 1980 and 1984 and filled them with 135,000 people. This city has created over 1,800 new places since 1980, and we are still overcrowded. A comprehensive plan with population forecasts is clearly called for, but only the Congress can require it.

Question. I understand that the 10-acre site the city has selected for the prison is owned by the Federal Government. What would the assessed valuation of that land be? How much does the city pay the Federal Government for the use of this property?

Mr. Clarke. Inasmuch as the executive branch of the D.C. government is responsible for property assessments, I am deferring to Mayor Barry for a response to that question. Any answer I would give would be a restatement of the same information provided to the Mayor by his staff.

SUBCOMMITTEE RECESS

Senator SPECTER. Thank you all very much for coming. And that concludes the hearing.

[Whereupon, at 11:07 a.m., Wednesday, March 26, the subcommittee was recessed, to reconvene at 9:30 a.m., Wednesday, April 16.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1987

WEDNESDAY, APRIL 16, 1986

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 9:30 a.m., in room SD-562, Dirksen Senate Office Building, Hon. Arlen Specter (chairman) presiding.

Present: Senators Specter and Mattingly.

DEPARTMENT OF JUSTICE

STATEMENT OF HON. D. LOWELL JENSEN, DEPUTY ATTORNEY GENERAL, DEPARTMENT OF JUSTICE

DISTRICT OF COLUMBIA

STATEMENTS OF:

HON. MARION BARRY, MAYOR, DISTRICT OF COLUMBIA

HON. JOSEPH DIGENOVA, U.S. ATTORNEY FOR THE DISTRICT OF COLUMBIA

OPENING REMARKS

Senator SPECTER. Good morning, ladies and gentlemen.

The hearing of the District of Columbia Subcommittee will now proceed.

This is a continuation of our last hearing on the prison issue when we did not have the availability of representatives of the U.S. Department of Justice.

The issue before the subcommittee, really before the city, Washington, DC, is what to do about the prison situation. There is a dreadful problem of overcrowding. There is an urgent need to solve the problem. There is a court order outstanding mandating a reduction in the number of prisoners in the jail.

There has been the fiasco of sending prisoners to Pennsylvania. There has been the problem of keeping prisoners in buses for protracted periods of time. Underlying all of this is the concern of inadequate jail space that criminals are not being sentenced to jail who ought to be sentenced to jail.

There is an inevitable pressure on the trial courts not to impose jail sentences in cases where jail sentences ought to be imposed where there is overcrowding. There is a fundamental threat to the safety of the community, and there is a fundamental deprivation of constitutional rights of those who are incarcerated to be treated fairly and properly. Both sides of the spectrum are being violated by the conditions which persist in Washington, DC.

The Mayor, as we all know, has made a commitment to build a new prison. There is a difficulty and division of opinion in other parts of the city with other city officials, but it is my judgment that this matter has to be resolved and has to be resolved promptly.

There has been excellent cooperation from our first witness, the distinguished Deputy Attorney General of the United States, the Honorable Lowell Jensen, and I welcome Mr. Jensen as our first witness this morning. I welcome him from a personal point of view and from a professional point of view. Lowell Jensen and I go back to the days of being district attorneys in big American cities fighting the tough problems. We have been joined by the Honorable Joseph diGenova, a much younger man, who is currently a prosecuting attorney of a major American city. Once prosecutors share the kinds of problems that is a kind of fraternal bond that lasts a long time.

I want to compliment Lowell Jensen this morning on his pending appointment to the Federal court. I don't know that it may divide the superstition in the area, but I think that Lowell Jensen's prospective nomination and appointment is one which can withstand any kind of peril. He has really an extraordinary record.

Before coming to Washington, he was an Assistant U.S. Attorney. He is now Deputy Attorney General in charge of the Criminal Division. In many instances, he has appeared before the Judiciary Committee and his testimony is always received with great credibility by the Judiciary Committee whenever he appears before the committee.

Welcome, Mr. Jensen. We look forward to your testimony.

STATEMENT OF HON. D. LOWELL JENSEN

Mr. Jensen. Thank you very much, Mr. Chairman, for your kind and gracious words. I appreciate it very much.

I am pleased to have this opportunity to be here before your committee to discuss this serious situation. I would like to attempt to describe the Department's role in this in terms of our responsibilities in our context and try to be of assistance because we certainly share your perception that this is a problem that deserves our best attention for the good of the city and for the good of the Government.

I do appreciate this opportunity now to share with you the prospective and the responsibilities of the Department of Justice and the Federal Government.

PENDING LITIGATION

As you know, on July 15, 1985, after years of litigation between the D.C. Department of Corrections and jail inmates, U.S. District Judge William B. Bryant issued an order that would have become effective on August 24, closing the District jail to any new residents because of what the court found to be unconstitutional conditions of confinement. Because the jail was being used as a prison, approximately 2,500 persons, on average, were housed in a facility designed for 1,355. The United States is not a party to this litigation, but has long urged the city to build a new prison which would have prevented the intolerable overcrowding crisis at the jail.

Judge Bryant has presided over this case, *Campbell* v. *McGruder*, for 15 years. He has made several unannounced visits to the jail. In his July 15 decision, he graphically described the conditions in which the District has long confined inmates in the Disrict jail. What is equally telling is Judge Bryant's description in another decision, issued remarkably, nearly 10 years ago, of the attitude the District had taken whenever directed by the court to cure overcrowding at the District jail.

I include a quote here in which, in effect, shows a history of inaction.

> Notwithstanding the present crisis and the appalling prospects of a worsening situation, there has been no planning for dealing with this problem by the city or the Department of Corrections. Rather, the tedious history of this litigation reflects only occasional and sporadic efforts, usually when a court proceeding has been scheduled followed by almost total inactivity once the matter is no longer before the court as a crisis situation.

Senator SPECTER. I want to acknowledge the presence of Senator Mattingly.

Senator MATTINGLY. I have another committee hearing to attend, but I may have some questions for the record and I will let you respond to them in writing.

Senator SPECTER. Thank you very much, Senator Mattingly.

Please excuse the interruption.

Mr. JENSEN. Events of the past decade have justified Judge Bryant's criticism. In 10 years, no adequate detention facility has been built, even though the District's jail population has escalated steadily. Thus, in his July 15 order, Judge Bryant found the attitude of the D.C. Department of Corrections essentially unchanged despite his admonition of an imminent court-imposed population limit on the District jail.

DISTRICT VIOLATES JAIL POPULATION LIMITS

In other pending cases involving the central and maximum security facilities at Lorton, the District recently advised Judge June L. Green that it was violating the population limits it had agreed should be imposed on those facilities. D.C. officials were found in contempt by Judge June Green in these cases just 3 weeks ago. Judge Green has now ordered the appointment of a special master to administer the central facility at Lorton because of the District's past, repeated violations of orders and decrees in this litigation.

Contempt proceedings are also pending before Judge Bryant in *Campbell* v. *McGruder* as a result of the District's admitted violations of court orders in that case.

Contempt proceedings were also concluded last month before Judge Henry F. Greene of the Superior Court of the District of Columbia as a result of the District's transfer of an individual to a work release program in violation of a court order. Again, the District admitted it violated the court's order because of pressure to move inmates out of the District jail to comply with Judge Bryant's order. Judge Greene found that his order had been violated, and he enjoined future violations with a warning that District officials might face criminal contempt proceedings if further violations occurred since they would be considered willful.

DISTRICT OF COLUMBIA LITIGATION AGAINST THE FEDERAL GOVERNMENT

On February 13, 1986, District officials filed a motion with Judge Bryant to join the United States and the Attorney General as parties defendant in the *Campbell* v. *McGruder* litigation. The District sought a temporary restraining order to require the Attorney General to take all newly sentenced D.C. Code violators into Federal custody. In our response, filed with Judge Bryant on February 14, we set forth in some detail the statutory scheme and legislative purpose of confinement of D.C. prisoners. We noted that Congress has unequivocally established the District jail, the workhouse at Occoquan, and the reformatory at Lorton, for the express purpose of housing those prisoners convicted of crimes in the District of Columbia and those persons detained prior to trial in the courts of the District of Columbia.

At no point in the history of the District of Columbia, did Congress ever say or do anything which indicated that it intended prisoners, convicted in or detained for trial by the District of Columbia courts, to be housed in Federal prisons rather than in the very institutions which the Congress created in the District of Columbia or at Lorton and Occoquan for their incarceration.

On the contrary, Congress specifically directed these prisoners to be incarcerated in the District jail or at Lorton and Occoquan and ordered D.C. officials to take them into their custody.

We pointed out to Judge Bryant that Congress has appropriated what must be, by now, hundreds of millions of dollars for the maintenance and support of them. It is, therefore, not correct for the District of Columbia to now say that all sentenced prisoners are a Federal, as opposed to a District of Columbia, responsibility. This contravenes the concept of home rule.

At a hearing on the District's motions on February 14, Judge Bryant expressed in no uncertain terms his view of the District's inadequate efforts to resolve the current crisis, indicating that he had seen a number of places that the District of Columbia could use to house prisoners on a temporary basis. On March 4, 1986, Judge Bryant issued an order denying the motions of the District of Columbia.

DEPARTMENT OF JUSTICE POSITION

It appears that the District's primary short-term strategy has been to ask the Federal Government to resume taking the District's prisoners into Federal custody until expansion at Lorton is completed, and until a new 700- to 800-bed prison is built. We have consistently indicated that the District of Columbia must take substantial and immediate, albeit temporary, measures, to increase prison capacity before we would consider resuming any extraordinary relief of taking more D.C. prisoners into Federal custody.

Although the District appeared to be moving in the direction of creating such temporary facilities, District officials now appear to adopt the position that a 400-bed expansion at Lorton and the construction of a new prison, which admittedly will not be completed for at least 3 years, represent the extent of anticipated effort to add prison capacity beyond already scheduled halfway house expansion. It continues to be our view that this action by the District of Columbia is inadequate.

It is the Department of Justice's position that it would be instructive for this subcommittee to again review the Bureau of Prisons' December 16, 1983, "Review of District of Columbia Prison Operations at Lorton, Virginia." This was the last major Federal study of the District's prison operations. You will note that Assistant Attorney General Kevin D. Rooney, in transmitting this 1983 report to this subcommittee, observed that 1,400 additional detention beds should be constructed within the District of Columbia by the end of 1985, in order to adequately meet the needs of the detention population. Years later, the District has still not constructed a new prison within the District of Columbia. Review of the other recommendations made in that 1983 study, which followed 1968 and 1972 Bureau of Prisons' studies of the District's operations, reflects that many of the most significant recommendations, such as the desperate need for an adequate prisoner classification system, have not been adopted by the District of Columbia.

This subcommittee should also review the most recent study of the District's corrections system, Prof. Sean McConville's "Review of the Correctional Policies of the District of Columbia," dated February 24, 1986. Professor McConville, an internationally respected expert in corrections, has made an important contribution to understanding the severe problems facing the D.C. correctional system. While the Department of Justice does not necessarily endorse all of Professor McConville's conclusions and recommendations, he has provided a thoughtful analysis of the serious problems that continue to exist.

INITIAL EXCHANGE OF CORRESPONDENCE WITH MAYOR BARRY

I am providing the subcommittee with a copy of the exchange of correspondence I have had with Mayor Barry on this issue, which I would like to describe for the subcommittee.

As a result of Judge Bryant's July 15 order, the District found itself in an intolerable position. In letters dated July 17, 1985, to the Attorney General, and July 29, 1985, to the Director of the Bureau of Prisons, Mayor Barry requested the assistance of the Department of Justice. Meetings were held with D.C. officials on August 15 and August 20, 1985, and I dispatched a letter to Mayor Barry on August 21, 1985, which the District used to obtain a stay of Judge Bryant's order.

In my August 21 letter, I indicated that newly sentenced D.C. Code violators would be designated to Federal facilities starting on August 24, thereby relieving the immediate crisis at that time. I specifically noted, however, that in view of the present population of the Federal Bureau of Prisons, this accommodation can only be for a short time, until modular cell construction or other alternatives can be completed by the District of Columbia.

I also noted that during the design and construction phase of a new prison, additional short-term responses must be pursued aggressively.

I stated that such interim relief could include such measures as the construction of modular jail facilities and an enhanced utilization of existing resources.

I also agreed to join Mayor Barry in urging Congress to permit designation of part of the pending $30 million appropriation for a new prison to support the immediate construction of modular cells.

PRISON POPULATION COUNTS

At the time of my August 21 letter, the Federal system itself was operating at 39 percent above rated capacity. At that time, the Bureau of Prisons was housing about 1,500 D.C. prisoners—over 20 percent of all those convicted of D.C. Code violations and incarcerated within the D.C. Department of Corrections. At that time, the following population counts were reported:

District jail	2,422
Lorton	4,294
Halfway houses	408
Total, District of Columbia	7,124
Federal prisons (D.C. inmates)	1,500
Total	8,624

Although I indicated that we could make this accommodation only for a short time, the Department of Justice did not stop providing this assistance until January 15, 1986.

On January 13, 1986, I advised Mayor Barry that the Federal assistance we had provided since August 21, 1985, would be terminated on January 15. I noted that this Federal assistance had been specifically predicated upon representations that the District government was determined to take immediate action to accomplish the construction of a prison in the District of Columbia, and to explore short-term responses such as construction of modular jail facilities and enhanced utilization of existing resources. At the time of my January 13 letter, the following population counts were reported:

District jail	1,555
Lorton	4,282
Halfway houses	396
Total, District of Columbia	6,233
Federal Prisons (D.C. inmates)	2,400
Total	8,633

As these figures clearly demonstrate, the District's compliance with Judge Bryant's order to reduce the population of the District jail has been brought about solely because of the assistance provided by the Federal Government. The number of D.C. prisoners being held by the Federal Government increased by 900 during this period, from 1,500 to 2,400. The total number of D.C. prisoners being held by the District of Columbia decreased by 891 during this same period, from 7,124 to 6,233. Although the District's consistent position has been that the Justice Department has been unresponsive to the District's requests for help, the record clearly demonstrates otherwise.

It is the position of the Department of Justice that the District of Columbia has not made a parallel effort to that made by the Federal Government in order to resolve this correctional crisis. I advised Mayor Barry in January that the overburdened Federal system could no longer absorb large numbers of D.C. prisoners.

It should be noted that the D.C. Department of Corrections Daily Population Report for March 24, 1986, reflected the following:

	Capacity	*Inmates present*
District jail	1,378	1,668
Lorton	3,973	4,365
Halfway houses	360	481
Total	5,711	6,514

The D.C. Department of Corrections Daily Population Report for August 24, 1985, shows the capacity of both the District jail and Lorton to be the same as it is now, 7 months later. The halfway house capacity has increased from 289 to 360. The net result is that after 7 months of this continuing crisis, the District's prison capacity has increased by 71 beds, all in halfway houses.

Any objective observer must conclude that adding 71 beds in 7 months is not a parallel effort to the effort the Federal Government has made to resolve this crisis.

I met with Mayor Barry and other D.C. officials on January 16, 1986, at the Mayor's request. The Department of Justice was asked to resume the Federal assistance which had stopped the day before, which I declined to do. Deputy Mayor Thomas Downs suggested McMillan Reservoir as a possible site for a new prison, and I agreed to look into whether it could be declared excess and made available.

TEMPORARY EXPANSION ON THE OLD DISTRICT JAIL SITE

I also indicated that D.C. needed to move forward with some emergency, temporary measures to expand their prison capacity until their new construction was completed at Lorton and their new prison was completed in the District of Columbia. It was not then, or thereafter, the view of the Department of Justice that the addition of 1,000 prison beds would be sufficient.

As noted above, I sent the Mayor a letter on February 12. To prepare that letter, the Department of Justice had convened a series of emergency meetings to expedite making available the McMillan Reservoir site suggested by the District. The Secretary of the Army and the Administrator of the General Services Administration and their staffs gave immediate attention to this issue. I communicated to the Mayor that a 22-acre tract would be declared excess to the Army's needs and that the Attorney General, in conjunction with the Administrator of the General Services Administration, could make this property available to the District of Columbia as a site for a new prison. The District's reaction was that my action was not helpful because construction could not begin at the McMillan Reservoir site until October 1. I had pointed out, however, that D.C. officials could enter the site for engineering and other studies between now and September 30, and that study and design of the new prison could start immediately. Since actual construction could not begin by October 1 even if the District of Columbia started study and design today, the District's stated reason for rejecting the McMillan Reservoir site is without merit.

PREPARED STATEMENT

Senator SPECTER. Mr. Jensen, your full statement will be made a part of the record. I have reviewed it. It is a comprehensive statement. Since scheduling the hearing, Senator Dole has listed the Hobbs Act on this morning's agenda for a cloture vote. I am due on the Senate floor no later than 10:30.

[The statement follows:]

STATEMENT OF D. LOWELL JENSEN

I am pleased to have this opportunity to provide the views of the Department of Justice on the chronic problem of prison overcrowding in the District of Columbia. I appreciate being able to describe the Department's role in attempting to assist in the resolution of this problem.

Pending Litigation

As you know, on July 15, 1985, after years of litigation between the D.C. Department of Corrections and jail inmates, United States District Judge William B. Bryant issued an order that would have become effective on August 24, closing the D.C. Jail to any new residents because of what the Court found to be unconstitutional conditions of confinement. Because the jail was being used as a prison, approximately 2,500 persons, on average, were housed in a facility designed for 1,355. The United States is not a party to this litigation, but has long urged the city to build a new prison which would have prevented the intolerable overcrowding crisis at the jail.

Judge Bryant has presided over this case (Campbell v. **McGruder**, (C.A. No. 75-1668 and No. 1462-71), for fifteen years. He has made several unannounced visits to the jail. In his July 15 decision, he graphically described the conditions in which the District has long confined inmates in the D.C. Jail. What is equally telling is Judge Bryant's description in another decision, issued remarkably, nearly ten years ago, of the attitude the District has taken whenever directed by the Court to cure overcrowding at the D.C. Jail:

> Notwithstanding the present crisis and the appalling prospects of a worsening situation, there has been no planning for dealing with this problem by the City or the Department [of Corrections]. Rather, the tedious history of this litigation reflects only occasional and sporadic efforts, usually when a court proceeding has been scheduled, followed by almost total inactivity once the matter is no longer before the court as a crisis situation . . . :

Campbell v. McGruder, 416 F. Supp. 111, 114-115 (D.D.C. 1976).

Events of the past decade have justified Judge Bryant's criticism. In ten years no adequate detention facility has been built, even though the District's jail population has escalated steadily. Thus, in his July 15 order, Judge Bryant found the attitude of the D.C. Department of Corrections essentially unchanged despite his admonition of an imminent court-imposed population limit on the D.C. Jail.

In other pending cases, involving the Central and Maximum security facilities at Lorton, (Twelve John Does v. District of Columbia, No. 80-2136; John Doe v. District of Columbia, No. 79-1726), the District recently advised Judge June L. Green that it was violating the population limits it had agreed should be imposed on those facilities. D.C. officials were found in contempt by Judge June Green in these cases just three weeks ago. Judge Green has now ordered the appointment of a Special Master to administer the Central Facility at Lorton because of the District's past, repeated violations of orders and decrees in this litigation.

Contempt proceedings are also pending before Judge Bryant in Campbell v. McGruder as a result of the District's admitted violations of court orders in that case.

Contempt proceedings were also concluded last month before Judge Henry F. Greene of the Superior Court of the District of Columbia as a result of the District's transfer of an individual to a work release program in violation of a court order. (United States v. Fernando Jones, No. F 8412-85). Again, the District admitted it violated the court's order because of pressure to move inmates out of the D.C. Jail to comply with Judge Bryant's order. Judge Greene found that his order had been violated, and he enjoined future violations with a warning that District officials might face criminal contempt proceedings if further violations occurred since they would be considered willful.

District of Columbia Litigation Against the Federal Government

On February 13, 1986, District officials filed a motion with Judge Bryant to join the United States and the Attorney General as parties defendant in the Campbell v. McGruder litigation. The District sought a temporary restraining order to require the Attorney General to take all newly sentenced D.C. Code violators into federal custody. In our response, filed with Judge Bryant on February 14, we set forth in some detail the statutory scheme and legislative purpose of confinement of D.C. prisoners. We noted that Congress has unequivocally established the D.C. Jail, the workhouse at Occoquan, and the reformatory at Lorton, for the express purpose of housing those prisoners convicted of crimes in the District of Columbia and those persons detained prior to trial in the courts of the District of Columbia. At no point in the history of the District of Columbia, did Congress ever say or do anything which indicated that it intended prisoners, convicted in or detained for trial by the District of Columbia courts, to be housed in federal prisons rather than in the very institutions which the Congress created in the District of Columbia or at Lorton and Occoquan for their incarceration. On the contrary, Congress specifically directed these prisoners to be incarcerated in the D.C. Jail or at Lorton and Occoquan and ordered D.C. officials to take them into their custody. We pointed out to Judge Bryant that Congress has appropriated what must be, by now, hundreds of millions of dollars for the maintenance and support of these institutions and of the prisoners incarcerated within them. It is therefore not correct for the District of Columbia to now say that all sentenced prisoners are a federal, as opposed to a District of Columbia, responsibility. This contravenes the concept of home rule.

At a hearing on the District's motions on February 14, Judge Bryant expressed in no uncertain terms his view of the District's inadequate efforts to resolve the current crisis, indicating that he had seen a number of places that D.C. could use to house prisoners on a temporary basis. On March 4, 1986, Judge Bryant issued an order denying the motions of the District of Columbia.

Department of Justice Position

It appears that the District's primary short-term strategy has been to ask the federal government to resume taking D.C.'s prisoners into federal custody until D.C.'s expansion at Lorton is completed, and until a new 700-800 bed prison is built. We have consistently indicated that D.C. must take substantial and immediate, albeit temporary, measures, to increase prison capacity before we would consider resuming any extraordinary relief of taking more D.C. prisoners into federal custody. Although the District appeared to be moving in the direction of creating such temporary facilities, District officials now appear to adopt the position that a 400-bed expansion at Lorton and the construction of a new prison, which admittedly will not be completed for at least three years, represent the extent of anticipated effort to add prison capacity beyond already scheduled halfway house expansion. It continues to be our view that this action by D.C. is inadequate.

It is the Department of Justice's position that it would be instructive for this Subcommittee to again review the Bureau of Prisons' December 16, 1983, "Review of District of Columbia Prison Operations at Lorton, Virginia." This was the last major federal study of D.C.'s prison operations. You will note that Assistant Attorney General Kevin D. Rooney, in transmitting this 1983 report to this Subcommittee, observed that 1,400 additional detention beds should be constructed within the District of Columbia by the end of 1985, in order to adequately meet the needs of the detention population. Years later, the District has still not constructed a new prison within the District of Columbia. Review of the other recommendations made in that 1983 study (which had followed 1968 and 1972 Bureau of Prisons' studies of D.C.'s operations) reflects that many of the most significant recommendations, such as the desperate need for an adequate prisoner classification system, have not been adopted by the District of Columbia.

This Subcommittee should also review the most recent study of the District's corrections system, Professor Sean McConville's "Review of the Correctional Policies of the District of Columbia," dated February 24, 1986. Professor McConville, an internationally respected expert in corrections, has made an important contribution to understanding the severe problems facing the District of Columbia correctional system. While the Department of Justice does not necessarily endorse all of Professor McConville's conclusions and recommendations, he has provided a thoughtful analysis of the serious problems that continue to exist.

Initial Exchange of Correspondence with Mayor Barry

I am providing the Subcommittee with a copy of the exchange of correspondence I have had with Mayor Marion Barry on this issue, which I would like to describe for the Subcommittee.

As a result of Judge Bryant's July 15 order, the District found itself in an intolerable position. In letters dated July 17, 1985, to the Attorney General, and July 29, 1985, to the Director of the Bureau of Prisons, Mayor Barry requested the assistance of the Department of Justice. Meetings were held with D.C. officials on August 15 and August 20, 1985, and I dispatched a letter to Mayor Barry on August 21, 1985, which the District used to obtain a stay of Judge Bryant's order.

In my August 21 letter, I indicated that newly sentenced D.C. Code violators would be designated to federal facilities starting on August 24, thereby relieving the immediate crisis. I specifically noted, however, that in "view of the present population of the Federal Bureau of Prisons, this accommodation can only be for a short time, until modular cell construction or other alternatives can be completed by the District of Columbia." I also noted that during the design and construction phase of a new prison, "additional short-term responses must be pursued aggressively". I stated that such "interim relief could include such measures as the construction of modular jail facilities and an enhanced utilization of existing resources." I also agreed to join Mayor Barry in urging Congress to permit designation of part of the pending thirty million dollar appropriation for a new prison "to support the immediate construction of modular cells."

At the time of my August 21 letter, the federal system itself was operating at 39 percent above rated capacity. At that time, the Bureau of Prisons was housing about 1,500 D.C. prisoners -- over 20 percent of all those convicted of D.C. Code violations and incarcerated within the D.C. Department of Corrections. At that time, the following population counts were reported:

D.C. Jail	2422
Lorton	4294
Halfway Houses	408
Total D.C.	7124
Federal Prisons (D.C. Inmates)	1500
Total	8624

Although I indicated that we could make this accommodation only for a "short time", the Department of Justice did not stop providing this assistance until January 15, 1986.

On January 13, 1986, I advised Mayor Barry that the federal assistance we had provided since August 21, 1985, would be terminated on January 15. I noted that this federal assistance had been specifically predicated upon representations that the District government was determined to take immediate action to accomplish the construction of a prison in the District of Columbia, and to explore short-term responses such as construction of modular jail facilities and enhanced utilization of existing resources. At the time of my January 13 letter, the following population counts were reported:

D.C. Jail	1555
Lorton	4282
Halfway Houses	396
Total D.C.	6233
Federal Prisons (D.C. Inmates)	2400
Total	8633

As these figures clearly demonstrate, D.C.'s compliance with Judge Bryant's order to reduce the population of the D.C. Jail has been brought about solely because of the assistance provided by the federal government. The number of D.C. prisoners being held by the federal government increased by 900 during this period (from 1,500 to 2,400). The total number of D.C. prisoners being held by D.C. decreased by 891 during this same period (from 7,124 to 6,233). Although the District's consistent position has been that the Justice Department has been unresponsive to the District's requests for help, the record clearly demonstrates otherwise.

It is the position of the Department of Justice that the District of Columbia has not made a parallel effort to that made by the federal government in order to resolve this correctional crisis. I advised Mayor Barry in January that the over-burdened federal system could no longer absorb large numbers of D.C. prisoners.

It should be noted that the D.C. Department of Corrections Daily Population Report for March 24, 1986, reflected the following:

	Capacity	Inmates Present
D.C. Jail	1,378	1,668
Lorton	3,973	4,365
Halfway Houses	360	481
	5,711	6,514

The D.C. Department of Corrections Daily Population Report for August 24, 1985, shows the capacity of both the D.C. Jail and Lorton to be the same as it is now, seven months later. The halfway house capacity has increased from 289 to 360. The net result is that after 7 months of this continuing crisis, D.C.'s prison capacity had increased by 71 beds, all in halfway houses.

Any objective observer must conclude that adding 71 beds in 7 months is not a "parallel" effort to the effort the federal government has made to resolve this crisis.

I met with Mayor Barry and other D.C. officials on January 16, 1986, at the Mayor's request. The Department of Justice was asked to resume the federal assistance which had stopped the day before, which I declined to do. Deputy Mayor Thomas Downs suggested McMillan Reservoir as a possible site for a new prison, and I agreed to look into whether it could be declared excess and made available. I also indicated that D.C. needed to move forward with some emergency, temporary measures to expand their prison capacity until their new construction was completed at Lorton and their new prison was completed in the District of Columbia. It was not then, or thereafter, the view of the Department of Justice that the addition of 1,000 prison beds would be sufficient.

As noted above, I sent the Mayor a letter on February 12. To prepare that letter, the Department of Justice had convened a series of emergency meetings to expedite making available the McMillan Reservoir site suggested by the District. The Secretary of the Army and the Administrator of the General Services Administration and their staffs gave immediate attention to this issue. I communicated to the Mayor that a 22-acre tract would be declared excess to the Army's needs and that the Attorney General, in conjunction with the Administrator of the General Services Administration, could make this property available to D.C. as a site for a new prison. The District's reaction was that my action was not helpful because construction could not begin at the McMillan Reservoir site until October 1. I had pointed out, however, that D.C. officials could enter the site for engineering and other studies between now and September 30, and that study and design of the new prison could start immediately. Since actual construction could not begin by October 1 even if D.C. started study and design today, the District's stated reason for rejecting the McMillan Reservoir site is without merit.

Temporary Expansion on the Old D.C. Jail Site

I also indicated in my letter of February 12 that the old D.C. Jail site (at 19th and Independence Avenue, S.W.) would be made available by the United States, after consultation with the Department of the Interior. I noted that no authorization had been granted by the United States to use this land for expansion of D.C. General Hospital, or for any purpose other than a jail.

I again advised, in my February 12 letter, that it was still my view that D.C. should take some temporary measures to increase its prison capacity. I noted that this "immediate expansion of prison capacity could take the form of a school or other temporary facilities that have been successfully utilized in other jurisdictions." I offered the assistance of one of the Bureau of Prisons' architects most familiar with the use of temporary facilities, and I provided studies and literature about the successful use of such facilities in other jurisdictions around the country. I have provided copies of this material to the Subcommittee. I urged the use of the old D.C. Jail site without further delay for some temporary expansion of prison capacity.

The District of Columbia Response

On March 10, 1986, Mayor Barry wrote to the Attorney General, identifying three sites that he had determined would be suitable for construction of the new prison. I directed my staff to immediately discuss these sites with the affected agencies and see whether they could be made available. We have subsequently determined that none of these three sites is available.

The Mayor in his March 10 letter also disclosed that construction of modular housing was finally going to proceed, but only at Lorton, and that the first 200 beds would not be ready for another 180 days. That means that in September, 1986, the

District of Columbia will have added 200 modular beds at Lorton - over one year after they procured the Department's August 21, 1985, commitment to take D.C. prisoners into federal custody based on assurances of immediate action. The District of Columbia will then have added 200 beds to its capacity, beyond the 250 bed expansion of halfway houses that it also committed to Judge Bryant in August, 1985.

The Mayor's March 10 letter indicates that the 400-bed Lorton expansion was only intended to address what the Mayor called D.C.'s "intermediate needs." The Mayor stated that "to satisfy our short-term needs we have begun identifying government-owned facilities within the city which are suitable for housing minimum custody inmates. The first such facility, located at 525 9th Street, N.E., will be occupied this week."

It appeared to us that this was a major break-through, and we were encouraged that the District was finally ready to create some temporary, emergency facilities as we had been urging since last August. The Mayor's representatives then contacted us to solicit our agreement to use of a new site south of the present D.C. Jail as a location for construction of a new prison. We quickly cleared that site with the Department of the Interior and the General Services Administration, and advised the Mayor's representative that it was acceptable. We were given other sites where temporary facilities might be created by the District, and we were in the midst of discussing details for both short-term and long-term solutions when the District announced that negotiations were terminated.

Other than receiving copies of documents filed in Court, we have had no further communications on this issue with District representatives. Apparently the District has now added 64 cells for use on weekends at the Superior Court cell block for prisoners serving weekend sentences, beyond the 71 beds that had been added to halfway houses since last August. This 64-bed expansion is the type of short-term effort that is necessary until modular cells are constructed and until a new prison is opened. We are hopeful that the District will take other steps to expand their prison capacity within the District of Columbia on a temporary basis.

Impact on the Federal System

It is important for this Subcommittee to recognize the impact on the federal prison system that has already occurred as a result of the extraordinary assistance we have provided to the District of Columbia. During the period between August 21, 1985, and January 15, 1986, we took 1,707 new D.C. prisoners into the federal system. This placed an extraordinary burden on the federal prison system. It also placed an extraordinary burden on the United States Marshals Service, which was required to assign 23 Deputy U.S. Marshals to transport D.C. prisoners to the Federal Correctional Institution at Petersburg, Virginia, where they were initially classified and assigned. We are today holding 2,400 D.C. prisoners in federal prisons. Since federal prisons generally have a capacity of 500-700 inmates, this means that the Bureau of Prisons is devoting, in effect, nearly four institutions solely to incarcerating D.C. prisoners. This is all the more extraordinary when one considers that the federal prison system is currently incarcerating only 800 prisoners from all 50 states.

There are currently 38,500 inmates confined by the Federal Bureau of Prisons, which is 47% over capacity. This reflects a 60% increase during the past five years. This overcrowding of the federal prison system is unacceptably high, and it places unduly severe management and operational burdens on the staffs of our institutions. We must reduce this overcrowding in order to ensure a safe and humane environment for both the staff and inmates of federal prisons.

The dramatic increase in the numbers of D.C. Code violators confined in federal prisons is reflected in the following:

Fiscal Year	Total
1975	572
1976	729
1977	957
1978	1,092
1979	1,099
1980	1,133
1981	1,277
1982	1,411
1983	1,390
1984	1,386
1985	1,607
March 1986	2,400

These figures demonstrate the extraordinary efforts we have made to assist D.C. in resolving this prison crisis.

This concludes my formal statement, Mr. Chairman. I would be pleased to answer any questions you or your colleagues may have.

RESPONDING TO REQUEST FOR IMMEDIATE ACTION

Senator SPECTER. I think you have made your point, but if you could hit whatever other highlights are necessary, what I would like to do, after giving Mr. diGenova an opportunity to supplement to whatever extent he wishes, to call on Mayor Barry to see if we can't come to some resolution as to precisely what the city can do by responding to your request for substantial and immediate action. That is the essence of the position. The background is succinctly and well-stated in your prepared statement.

What we are really up to is the kernel or the nub of trying to get the matter resolved between the Department of Justice and Washington, DC. That is what this subcommittee would like to accomplish. There has been a tremendous amount of discussion. You and I have met with Mr. diGenova. The Mayor and I have met. You have talked to the Mayor, you have written to the Mayor, the Mayor has written to you. It may be that it is a more perplexing problem than President Reagan's and Soviet Chairman Gorbachev's summit. I hope not, but I don't think so. I don't know how much more this subcommittee can do. I do know there is not much more time this subcommittee can devote, but that is the nub that I would really like to deal with here, and there is not a whole lot of time to do it.

Mr. JENSEN. I think we could come down to something because I think there have been some positive things that have happened. I would not like to leave this as though we were not at a state where some progress has been made. I think after all this exchange of letters and all of these meetings and all of the consideration, I think, it is a very positive thing that the District has now decided to go ahead with the construction of the D.C. prison at the old prison site and build a detention facility there with a 700 to 800 capacity. I think that is very positive. We have been saying that for a very long period of time.

The difficulty is that we have to always look at this in terms of the long-term need which is the capacity question, and then the short-term issue. As I mention in here, the short-term issue is where we have consistently taken the position there is a capacity in terms of dollars and facilities, and it can be undertaken by the District to add immediate beds on a temporary basis for a short-term facility rather than going to the Federal system which simply does not have the space.

Senator SPECTER. Mayor Barry, why don't you step forward and join us at this point. We are glad to welcome you again, Mr. Mayor for this continuing issue.

Mr. Jensen, is the Federal Government willing to be of some additional assistance if the city responds with, as you put it, some substantial and immediate action?

COOPERATION OF THE DEPARTMENT OF JUSTICE

Mr. JENSEN. The record, as I pointed out, the Department of Justice is perfectly willing and we have done an enormous amount, extraordinary efforts have been made to resolve crisis considerations and crisis problems here and we always stand ready to do that. We realize that there is a level of responsibility and a readiness to do that. We have had all of these discussions. I think this record that I have put here shows extraordinary willingness to do that. I think there have been some positive things happening and where some very tough decisions have been made to go ahead with the construction of the prison which we have urged for many, many years.

In terms of the immediacy of the situation, there is a need or at least it appears that way that this is the issue in terms of the cap. When we started in January, one of the reasons we withdrew taking the prisoners was it was no longer a situation where it was necessary. There was no longer a population count that came up against the cap. That has been true for the last several months, so we don't know that there is an issue that is there until that context develops.

NEED FOR SHORT-TERM INCARCERATION DETENTION WITHIN DISTRICT

What we are saying is there is a need to have on an immediate basis some capacity within the District for short-term incarceration detention. There has been some movement in that direction with reference to the halfway houses, as I mentioned. In addition to that, there was a location of an unused cellblock that was then refurbished and is now being used for weekend detention, as I understand it. That kind of capacity is what I am talking about, but we want to see some movement in reference to the District's movement.

As I understand it, for example, there is another cellblock that is being used for storage that could perhaps be freed up for detention capacity just as I am saying. There are opportunities, and we presented a whole list of how this could be done with temporary facilities such as trailers on existing kinds of correction facilities. That kind of capacity would obviate the need for any prisoners to be moved into the Federal system. That is our concern.

Senator SPECTER. Mr. diGenova, before turning to the Mayor, would you care to supplement what Mr. Jensen has said?

Mr. DIGENOVA. No, Mr. Chairman.

Senator SPECTER. Thank you.

Mayor Barry, if we may start with the focus, what would you like to see the Federal Government do to assist the District of Columbia on your immediate problems of overcrowding at the jail?

REMARKS OF MAYOR BARRY

Mayor BARRY. Mr. Chairman, I agree with you we have had a lot of discussion about this, but my view about life is that well done is better than well said, just talking about it, but what I would like for the Federal Government to do is to obey title 24 of the D.C. Code, which remands to the Attorney General of the United States of America every sentenced prisoner in the District of Columbia. I would like for him to begin taking them starting tomorrow morning.

Mr. Chairman, let me set the record straight.

First of all, we don't prosecute these cases. Mr. diGenova does. He is what some of us call a hardline prosecutor in the sense that he is vigorous, and rightly so. We have had arrests to increase from 15,000 to 21,000, but have had convictions to increase from 7,000 to 13,000.

Mr. Jensen is incorrect in his characterization of what we have been able to do here. First of all, since I have been Mayor, we have added 1,800 additional beds. That is a lot of beds to add. We have increased the budget from $56 million to $160 million, and you and the Congress approved that budget. That is a lot of additional dollars for correction.

The reason the jail cap is being obeyed and is being kept there is that we are placing newly sentenced prisoners in our four facilities that don't have caps. Lawyers are waiting right now to go to court to file a suit against those facilities to impose caps on them.

For instance, we have a minimum security with a capacity of 400 people. As of today, we have 478; Occoquan 1 with 436, we have 586 people there; Occoquan 2, capacity of 450, 585.

Now, my math tells me we are talking about almost 400-some people that we have at those facilities additional halfway house capacity we have added to try to take care of the jail. If we did not do that, the jail would be overpopulated.

Also, Mr. Chairman, Mr. Jensen and I have had this discussion. He talks about these trailers and temporary facilities. He speaks as though we are talking about Sunday school kids, kids who will stay in trailers, won't leave, you can leave them there by themselves. That is unrealistic. I don't see the Federal Government doing it any place.

Mr. diGenova has asked for the maximum sentence in most of his cases, and the judges have generally agreed, so we are getting longer time, and all we can do right now is to take these prisoners.

I think we have been reasonable, Mr. Chairman. We come to the committee, we have written letters, talked to Mr. Jensen. He returns my calls. I return his calls. We are friendly, cordial, but nothing happens. I think the Federal Government has the space.

Understand, Mr. Chairman, it is not like they are doing that free. We pay them $42 per day per prisoner to take these people, and so we would like them to do that.

Now, I have been reasonable. I think that at some point reasonableness has to stop, and we have to get down to the fact that I am not going to violate any court order. On the other hand, the Attorney General has the responsibility to take these prisoners. That is what we want him to do.

On the other hand, I have bitten some tough bullets, Mr. Chairman. As you know, I have taken on the members of the council who oppose my bill on a treatment facility. I have done that in spite of a number of negatives. We have gone to Fairfax County, and we are building 400 modulars against their wishes. I have asked Mr. Jensen to get me some contractors that can do it quicker. We got the list from him, and they can't do it any quicker. We are not talking about tents and temporary facilities that people can just stay in. So, the Federal Government has the responsibility, Mr. Chairman, to take these prisoners.

If I were in my old days when I was less patient, I would have taken 500 prisoners down to the Department of Justice, handcuffed them, chained them, left them in the hall down there. That would get some attention. So, we need them to take those prisoners.

DEALING WITH SECTION 24-425 OF D.C. CODE

Senator SPECTER. Mr. Jensen, on the legal issue, how do you deal with section 24-425 of the D.C. Code, which states all prisoners convicted in the District of Columbia for any offense including violations of municipal regulations and ordinances and acts of Congress in the nature of municipal regulations and ordinances shall be committed for their terms of imprisonment to such types of institutions as the court may direct, to the custody of the Attorney General of the United States?

Mr. JENSEN. That was precisely the issue. That is why I gave you the litigation that has been there, and in the *McGruder* case, that was precisely part of the issue, and it makes it clear that that does not mean that the D.C. Code has created a Federal prison for D.C. prisoners.

If you listen, it appears as though there is an argument that at bottom, the District of Columbia could simply abandon the notion of having a correctional system and give it over to the Federal Government. That was never the contemplation of Congress, our contemplation or the District's contemplation.

Senator SPECTER. Mr. Jensen, was there an element in the court decision of the lateness of the city trying to bring the Attorney General into the case, many years having elapsed as opposed to the necessary determination as to legal obligation?

Mr. JENSEN. That was a part of that, but I don't think that that was the directive. The direct issue was still there, and the arguments that were presented in court went to the fundamental issue, not just the procedural. So, that was a part of the argument that was presented.

If you go back, the reason that the discretion was there was for another purpose. At the time it was put in, you have the phenomenon where a D.C. prisoner had escaped or had jumped parole or something like that was arrested some place in the rest of the country by the Federal system and you needed a place, could you have authority to put him into a Federal prison and not the District jail. That was put in place in order to accomplish that. It was not put in place to substitute the Federal prison system or the Bureau of Prisons for the D.C. corrections system.

Senator SPECTER. Moving away from the legalisms as to what the language means, we are not going to resolve it this morning, and I have a strong suspicion that the Supreme Court of the United States will not take cert to decide this issue. This subcommittee will, but the U.S. Supreme Court will not.

Mr. Mayor, specifically, what would you like to see Mr. Jensen do today? Then I am going to ask him what he would like to see you do today.

HELP NEEDED FROM FEDERAL PRISON SYSTEM

Mayor BARRY. Mr. Chairman, I would like for Mr. Jensen to renew the agreement we had in August 1985 where he would take all sentenced prisoners, both misdemeanants and felons in the Federal prison system until we can build our 400-bed modular, until we can increase our halfway capacity, until we can slow down the intake of prisoners into the system. That is what I would like for him to do. It worked very well before, it can work now, and they took what we call the softies. They took those persons who had probably 60 to 90 days, 100 days before being released. We had about some 1,600 people in the Federal system under this arrangement. There are only about 800 left, which means the great majority of them have now gone out because they were what we call the softies. We have kept those persons who have 5 to 15 years to life.

Senator SPECTER. Mr. Mayor, that is what you would like to see him do, but what would you settle for? Is there some in-between ground? Some category?

Mayor BARRY. I would settle for him taking half, take some, take half, which he can do.

HOUSING LONG-TERM OFFENDERS

Senator SPECTER. How about a category of offense in terms of the tougher cases, the longer sentences? Is there some medium approach on the more serious offenses which require more long-term incarceration?

Mr. Jensen, what are you prepared to do?

Mr. JENSEN. If I could respond to a couple of things, in terms of the softies, 900 of those softies are still in the Federal system. These are not soft sentences at all. These are serious offenders. We took every convicted offender over the 5-month period. It wasn't as though there was a selective process in there as to who was going to go depending upon the offense for which they were convicted. We took them all and there is still, in effect, the whole prison and the prison system, the Federal world, that is there.

Let me start with a threshold issue. One is when we entered this extraordinary agreement last year, it was because of a clear-cut crisis situation that was brought to our attention and we addressed it in discussions with the District. The crisis was that they had exceeded the court-imposed cap. There is no situation right now. As I said, the cap has not been exceeded over the last several months.

Before there is any kind of movement, we obviously have to be in a situation where we are in a crisis kind of thing. We can't speculate about that in that sense. We need to be in a situation where there is some sort of extraordinary necessity. We can talk about where we may go, and I think it is useful to do that, given projections as to what might happen.

On the other hand, before there is anything like let's renew the agreement today, there is no reason. We need to be in a position where we have to have some kind of context for that.

PROVISION OF CONGRESS FOR D.C. CORRECTION SYSTEM

Let me also say this. What is being said essentially is in complete derogation of what I said was the provision of Congress for the D.C. correction system and the provision of appropriations for that was to provide adequate prison facilities, detention facilities for D.C.-convicted and pretrial offenders.

Now, if we were to renew an agreement just because it sounded like it was a good idea, we have, in effect, committed the Federal prison system for the detention of D.C. prisoners, which has never been appropriated for, never been the purpose of Congress. It is my responsibility to address this from the standpoint of the management of the Federal prison system, what their problems are, and what their appropriations are. We are not in a position now to become the prison of last resort for the District of Columbia. We simply can't do that.

Senator SPECTER. Mr. Jensen, what about the figures which the Mayor cites, although not under a court order, 586 people being housed in a facility for 436 people, and the other prisons which he cites saying that the cap has not been exceeded because of the fact that a number of prisons are not under a cap but, in those prisons, they are holding people vastly in excess of the authorized number?

Mr. JENSEN. We have always said there is a serious problem of overcrowding, and that is why the increase in detention facilities is an absolute necessity. We don't disagree with the problem that there is a need to move forward in terms of provision of additional capacity in the District of Columbia.

PROPOSAL FOR SHORT-TERM INCARCERATION

The issue is not only as I say in its long term but in its short term. I think there is movement in the long term, but what we need to see is short term.

Senator SPECTER. Mr. Jensen, if the Mayor was willing to identify a specific proposal for short-term incarceration, would that satisfy your request for substantial and immediate action to impel the Federal Government to give some assistance to the city's problem?

Mr. JENSEN. We have always been in a position where some assistance—if you look at the figures I cited—an extraordinary amount of D.C. prisoners are now held in the Federal prison system, far more than in any other structure throughout the country, and we are always in a position to do that, and we are always in position to listen and to discuss this issue with the Mayor. We have always held ourselves out to do that, and I think we have been in a posture that we have tried to do that in a most constructive fashion both for the District of Columbia and for our responsibilities for the management of the Federal prison system.

Senator SPECTER. So the answer is, you would be able then to give him some additional help?

Mr. JENSEN. We were always in a position to help in some fashion. I am not saying that we are going to renew any specific agreements or anything. All I am saying is that we are perfectly happy to continue to talk, and if there is something that is specifically put there in terms of prison space that is temporary and it then creates still an additional crisis which I don't see would be any crisis at all if the capacity were added to the District, I don't see any kind of crisis situation out there.

CRISIS SITUATION IN DISTRICT

Senator SPECTER. Mayor Barry, do you consider that you have a crisis situation today?

Mayor BARRY. Mr. Chairman, we have a crisis. I think Mr. Jensen ought to face up to the fact that title 24 is a legal document. The judge ruled basically in the *McGruder* v. *Campbell* case—his basic problem was that the District waited so long to bring in the Attorney General. It wasn't to the merits of the case.

I have also said to my corporation counsel any time we are sued at these four other institutions, I am going to immediately move to bring in the Attorney General.

So, the issue is not whether the Federal Government has a responsibility. This code was not made to try to take care of prisoners who were escapees from other States. This was a legal responsibility of the Attorney General.

REQUEST TO ATTORNEY GENERAL TO TAKE 500 PRISONERS

Also, Mr. Chairman, let me reiterate we are paying $42 so it is not as though the Department of Justice is giving us free board and lodging. We have a crisis. I would like for the Attorney General to take 500 prisoners. We could work out how long, what kind, the short-termers, a year or so, a year and a half—we can do that. But to keep talking about it is not really being productive, as you have indicated from the dias, and I would like to ask Mr. Jensen, why can't you take 500 prisoners?

Mr. JENSEN. 500 prisoners is a prison, and the request is that we have a new prison made available for D.C.-convicted offenders tomorrow. We don't have that prison, nor do we have the funds for that prison. There is no appropriation at all for that. We don't have anything like that in track. The $42 a day that is paid goes to the Treasury. It doesn't go to the Bureau of Prisons. It doesn't go to the Department of Justice. So, it doesn't put us in a position to use that to construct it.

We are in a position where we simply can't just snap our fingers and say we have a 500-bed prison available, and what we point out is that the responsibility for these prisoners is at the D.C. corrections system. They have funds and the capacity and by taking steps can provide those same spaces. There isn't any reason why we should now be making some kind of letter agreement for a new structure where we are going to provide a brand new prison in the Federal system for the District of Columbia.

Senator SPECTER. Mr. Jensen, are you saying that if the city of Washington, DC, were to take some more immediate action to move for the construction of the new prison that that would modify your attitude about some short-term help?

Mr. JENSEN. No; as I said, there has always been the issue of the long-term D.C. prisoner and, as I said, I think that is very positive. I think the Mayor has taken a very courageous stand. He said we are going to have to go ahead with that prison; I think that is necessary. But that prison doesn't come on line for several years, as you know. In the meantime, we have the issue of what about capacity for the people who are now in the pipeline? That is where there has to be some additional facility made available.

NEED TO EXPEDITE CONSTRUCTION OF NEW PRISON

Senator SPECTER. I raised the question of the prison because there are some, myself included, who are not satisfied with the progress which has been made on the construction of the new prison. I don't think the Mayor is satisfied with the progress which has been made on the construction of the new prison. It is not an easy matter, but if we had something which would expedite that process, then the question is in my mind as to whether there might be some greater willingness on the part of the Department of Justice to assist in the short-term problem.

Mr. JENSEN. The short-term problem is one that is amenable to solution within the District of Columbia. I think it is kind of an illusion in here that somehow or other we can snap our fingers and have 500 beds in the Federal system. The Mayor said the Federal Government has the space. We don't have the space. We are in an overcrowded situation now. We have a continued inflow from the entire country, and we have a management problem for that prison system. For us to say that we could tomorrow provide a new Federal prison for the District of Columbia is simply not so, and I don't think that it is useful for us to be operating on the assumption that somehow or other we can do that.

Mayor BARRY. Mr. Chairman, I hate to keep breaking in, but the Federal Government took 1,600 people. They processed them primarily through Petersburg to other facilities around the country. We maintain they can do the same thing. We are not talking about 500 at one time. We are willing to maintain these spaces where we are, but we would like to suggest to the Attorney General's representative here that as new prisoners are convicted and sentenced that they agree over a period of time to take up to 500 people. That does not mean a new prison. They took 1,600 from August to January. That's a red herring. They took 1,600 over a period of time. They can take 500 over a period of time. I think this subcommittee and others ought to pressure this department to do that.

Mr. Jensen, can't you take 500 over a period of time?

Mr. JENSEN. That's the whole point. You are, in effect, saying that instead of having D.C. corrections, we are now going to have a Federal prison system for D.C. prisoners. That isn't what anybody contemplates, and I don't think the Mayor really wants that. I think that we have to now look at this in terms of what can be provided.

For example, we need to get at this issue about classification. We need to get at the issue about what kind of prisoners or what time. When you are talking about weekend prisoners, you are talking about a different dimension. Obviously, you don't want to have weekend prisoners go into the Federal system. That just doesn't make sense.

So, you need to provide the kind of capacity for the needs of the D.C. system, not the Federal system.

PRISONER CLASSIFICATION IMPROVEMENTS

Senator SPECTER. If the classification improvements were made and you eliminated the kinds of weekend prisoners, and I take it you are saying that there has to be some greater showing than you feel has been made at the present time for need or for crisis before the Federal Government will provide additional assistance, but if that kind of showing is made to your satisfaction, then you would be willing to consider it.

Mr. JENSEN. As I said, we had always been willing to talk about this, and back in 1985, we took extraordinary steps. The Mayor, in effect, says we can do this by snapping our fingers, take 1,600. That was an extraordinary thing. It is still a very big problem for the Bureau of Prisons having done that and, as you know, add that to your prison population and it is over a long period of time and these people are still there. That was an extraordinary step we took. We are willing to keep talking, and we are willing when it is absolutely necessary to be of assistance.

Senator SPECTER. Perhaps there is some very narrow area of agreement—perhaps narrow, and that is on a willingness of the Federal Government to assist Washington, DC, on a showing of crisis and on a showing of classification that the Federal Government could undertake, so perhaps the matter is one for a marshaling of facts, Mr. Mayor, where you can show that kind of a crisis and you can show the kind of a classification approach, and you can show that you have exhausted your own resources for the temporary facilities, and I have a sense that in the background also showing that the construction of the new prison, the new jail is moving ahead on an expedited basis.

But what I think we are saying here today, what Mr. Jensen is saying is he is not convinced you have the crisis and you are absolutely convinced that you have the crisis.

My own sense is that there is a crisis, but I can see what you are both saying. But maybe it is a matter of factual presentation which the city can yet marshal to meet Mr. Jensen's standard.

Mr. JENSEN. But it is not only a definition. I guess crisis is one of those semantic things. If the sense is that I don't think there is an immediate and urgent and very dramatic kind of situation in terms of prison population here, that is not so. I think that if you want to call that a crisis, I think that may be in a sense semantic. I am talking about how we respond to the factual issues we have before us. What I am saying is that there is a response mechanism in terms of money available and capacity in terms of decision for the D.C. corrections systems to take care of the problem that faces them, and not simply to say I will tell you what our solution is—let's give all the prisoners to the Federal system.

RESPONSIBILITY OF DEPARTMENT OF JUSTICE

Mayor BARRY. Mr. Chairman, Mr. Jensen and Mr. diGenova have the same information I have. They get the same records and the same prisoners. We have 6,514 people incarcerated today. They know the numbers. They get the count sheets. So, I don't think it is going to be fruitful to talk about the facts here. The bottomline fact is the Department of Justice does not want to live up to its responsibility of title 24.

But, more importantly, I think it is a crisis because we have over 400 people in institutions that are over their capacity. We could work out whether they take the misdemeanants, whether they take those who have less than 2 years to go on their sentence—there are all kinds of ways we can do it.

I never said that they took those 1,600 at the snap of the finger. It happened over a period of time.

Now, on the other hand, if Mr. Jensen wants me to create a crisis, I can create one, if you need another crisis.

Mr. JENSEN. No; that is not at all what I said. We have always been here. As a matter of fact, if you look at a record, that is what I tried to say. We have been of extraordinary assistance, and we have to now put into a situation where we have mutual responsibility, and I think we have to approach it on that basis. To say that there is an immediate solution to simply turn over a portion of the D.C. corrections to the Federal prison system does not really solve our mutual responsibility. I think we have to work these out together. I said we have done that in the past. We always stand ready to do that. We stand ready to continue to do that.

Mayor BARRY. Let me just ask a question. If we were to exceed the cap at the District jail, say, by some 200 or 300 and we have 48 hours in which to correct it. Would you be willing to help us correct that?

Mr. JENSEN. We have always been willing to discuss any situation. We can't really speculate in that sense, and we need to put it into a real context. We need to discusss in terms of what kinds of steps have been taken and now resolve the issue of whether or not there is capacity to meet the cap. That is really what we are talking about. Where should that capacity be? How should we move toward that?

We think that there is movement that needs to be made by the District of Columbia.

Senator SPECTER. Mr. Jensen, I think what we are really looking for is the kind of movement made by the District of Columbia which would satisfy you that they are doing all that they can and that, beyond their doing all they can, they still have a real problem. Call it a crisis. Call it a real problem. Is that what it boils down to in your mind?

PROBLEM OF ADDRESSING TWO SYSTEMS

Mr. JENSEN. I suppose so, but I think you have to now put it that there is now two prison systems that are being there. It doesn't make much sense to displace an overcrowding or crisis situation if that is in the District of Columbia, in Petersburg, VA, or in some other location. We need to remember that we have two systems that have to be addressed, and I have continuously got to be in a position where we address our responsibility toward that Federal prison system.

Senator SPECTER. Mayor Barry, I don't know that there is a whole lot more we can do here. I don't disagree with you when you say that the Department of Justice has all the facts and you have all the facts. But I would suggest that you take another look at it from your perspective in terms of what give their may be in your own planning on short-term facilities and as powerful a statement as you can make as to your issues of need and crisis and try to solve it. There is nobody yet who has been able to solve the problem of conflict between Federal and State governments. Nobody has ever been able to do that, and the ultimate answer is not a court decision but an accommodation between the people responsible for operating the two systems. I think that battle has been going on for 200 years since we have had a Federal system and, hopefully, it will go on for 2,000 more years or more in our country.

FACTORS CONTRIBUTING TO CRISIS

Mayor BARRY. Mr. Chairman, there are several factors driving our crisis. There are some people who need to have long sentences. They have done some hideous things in society. There is no question about that. Those persons who murdered Mrs. Fuller certainly deserve the maximum penalty.

But, on the other side of this, we look at the sentencing request from the U.S. attorney's office. Look at what he asks for. It is usually for the maximum sentence in almost every case of a conviction even though the bail agency recommends something else.

Senator SPECTER. Mayor Barry, Mr. diGenova doesn't sentence——

Mr. DIGENOVA. I would like to respond to that, Mr. Chairman, because——

Senator SPECTER. Just a minute, Mr. diGenova. Let me say the U.S. attorney doesn't sentence. He recommends, but the judge does the sentencing.

Mayor BARRY. Think about that, Mr. Chairman. You were a prosecutor. The bail agency makes the recommendation, the U.S. attorney makes a recommendation——

Mr. DIGENOVA. I think it is the probation department that makes the recommendation, not the bail agency.

Senator SPECTER. The recommendations are made on both sides, but it is the judges who sentence. We have had previous hearings here where the judges have testified and acknowledged that their influence in their sentencing practices are the overcrowdedness of the jails. I have had a lot of experience, and I am convinced beyond any doubt at all that judges would sentence many criminals to jail if the jails weren't crowded. They are crowded in Philadelphia like they are crowded here, and they are crowded all around the country like they are crowded here, and if they weren't, the judges would give longer sentences than they do. Many people walk out without serving the sentences the judges impose because the jails are overcrowded.

Yes, Mr. diGenova.

INCREASE IN NUMBER OF CONVICTIONS

Mr. DIGENOVA. Mr. Chairman, the Mayor is absolutely correct. I shall not worry about whether I am a tough prosecutor or not. I will leave that to others to decide. I assume some of the people at Lorton think I am, and certainly the ones serving time in Federal prison know that.

But the number of convictions have, indeed, gone up considerably. Indeed, they went up a substantial amount within 1 year, 1984 to 1985. Interestingly enough, those are superior court statistics. Those are a function of arrests by the Metropolitan Police Department.

I am proud to be able to work with Chief Maurice Turner who is one of the toughest cops I have ever met in my life, and I applaud him for it. Indeed, he has been engaged in a drug crackdown in this city that I fully support and, indeed, the overwhelming increase in the arrests in this city has been 47 percent related to drug arrests which Chief Turner has decided and the Mayor has insisted upon this enforcement activity, and I applaud him for it in the drug crackdown in the neighborhoods where these peddlers pose a very serious problem.

Now, I assume those cases would be prosecuted whether or not the U.S. attorney was prosecuting those cases or not. So, if we are talking about red herrings, I think that is the biggest one.

Senator SPECTER. Well, I don't know that that is true, Mr. diGenova. The size of the herrings and the fish are large in all respects, but it is an interesting accolade that you hand Mayor Barry that it is the effectiveness of his administration in enforcing the laws of the District which have presented cases to you no matter what level of competency would result in convictions and sentences.

Mr. DIGENOVA. Absolutely. Excellent police work. I couldn't be happier.

Mr. JENSEN. Excellent Mayor, too.

Senator SPECTER. I want to say excellent Mayor and excellent U.S. attorney, excellent Deputy Attorney General.

Mr. Jensen, I think we are going to give you the last word and then we are going to terminate the hearing.

Mr. JENSEN. I think this is a matter for mutual responsibility. I think that your attention to this is most beneficial and productive, and I think that there will be a continuing kind of attention paid to it by both the Department of Justice and the District of Columbia.

I think we can resolve the situations whether we label them as crises or however we label them, they are difficult, they are troublesome, they are urgent upon us, and I pledge our acceptance of mutual responsibility.

CLOSING REMARKS

Senator SPECTER. I thank you all for coming here, and I do believe it is worth the time of the subcommittee to have the hearing. We have had all of these discussions in private, and it was my judgment that it was important to have these discussions in public, because it is a very, very important public problem in terms of public safety, in terms of sentencing hardened criminals to jail where it has to be done and in terms of protecting the constitutional rights of those who are sentenced.

It almost makes an interesting cartoon with Mayor Barry pointing to Mr. diGenova and Mr. diGenova who points to the police chief who points to the Mayor, and it is a complimentary referral of doing a job in terms of law enforcement which the Mayor is insistent upon with his police chief referring to cases and strong prosecution by Mr. diGenova, and it results in the problem we have here today.

I think Mr. Jensen and the Mayor agreed on the issue of mutual responsibility, but what I would like to see done from this point forward is you, Mr. Mayor, making the maximum effort you can for short-term adjustments whatever can be done and then to reassemble your facts and figures to satisfy what Mr. Jensen has talked about. He is willing to lend a helping hand if the need is there and if there is a sense of your having extended yourself as far as you can.

There is a big public out there which is waiting for all of us to perform, and the subcommittee stands willing to talk both privately and publicly to the parties, and we are prepared to follow Mr. Jensen's recommendation for reallocation of some of the funds to meet the short-term needs.

The Congress has been helpful in providing funding and we are prepared to be helpful in providing the forum to air solutions to the problem. I think there is an area of agreement but I think it should be pursued.

Mayor BARRY. We are moving full-speed ahead on the ANME work and the facilities and full-speed ahead on the 400-bed module and full-speed head to allow an additional 32 beds in place. I hope I can kind of persuade them to look at them, and I appreciate your interest. I appreciate there are times when you could be doing other things and I appreciate it and Mr. Jensen appreciates and the citizens appreciate it. I am not sure Mr. Jensen fully appreciates the tremendous amount of political pressure. This is an election year. We will just keep working at it and see if we can't at least solve the short term.

SUBCOMMITTEE RECESS

Senator SPECTER. Thank you, Mayor Barry, Mr. Jensen, and Mr. diGenova.

The subcommittee is now adjourned.

[Whereupon, at 10:36 a.m., Wednesday, April 16, the subcommittee was recessed, to reconvene subject to the call of the Chair.]

MATERIAL SUBMITTED SUBSEQUENT TO THE HEARING

[CLERK'S NOTE.—Subsequent to the hearing, the following statement and accompanying material were received for the record.]

STATEMENT OF NADINE P. WINTER, SIXTH WARD REPRESENTATIVE, COUNCIL OF THE DISTRICT OF COLUMBIA

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, GOOD MORNING. FOR THE RECORD, I AM MRS. NADINE P. WINTER AND I AM THE WARD SIX REPRESENTATIVE ON THE COUNCIL OF THE DISTRICT OF COLUMBIA.

I WISH TO THANK THE COMMITTEE AND ITS DISTINGUISHED CHAIRMAN FOR THIS OPPORTUNITY TO PRESENT TESTIMONY TODAY ON THE MANY COMPLEX, AND AT TIMES, CONSTERNATING ISSUES SURROUNDING CORRECTIONAL FACILITIES FOR THE DISTRICT OF COLUMBIA.

I EXERCISE A CERTAIN DEGREE OF CARE IN REFERRING TO "CORRECTIONAL FACILITIES" BECAUSE THERE SEEMS TO BE A GREAT DEAL OF PUBLIC CONFUSION ABOUT WHAT IS ACTUALLY AT ISSUE: A JAIL OR A PRISON, OR BOTH. AS YOU AND THE MEMBERS OF THIS COMMITTEE KNOW, MR. CHAIRMAN, THERE IS A SIGNIFICANT DIFFERENCE BETWEEN A JAIL FACILITY AND A PRISON FACILITY. THE PUBLIC INTERCHANGE OF TERMINOLOGY HAS NOT HELPED MATTERS VERY MUCH. BUT THE PUBLIC CANNOT FULLY CARRY THE BURDEN OF ITS CONFUSION. THE CONSTANT SHUFFLE OF DEPARTMENT OF CORRECTIONS' DETAINEES HAS FUELED THE CONTROVERSY.

TO HELP RELIEVE THE OVERCROWDED PRISON CRISIS AT OUR LORTON PRISON FACILITY, AND TO AVOID CERTAIN SANCTIONS BY THE COURT, SENTENCED CRIMINALS WERE TRANSFERRED FROM LORTON, VIRGINIA, TO OUR FACILITY FOR UNSENTENCED DETAINEES HERE IN THE DISTRICT'S WARD SIX. THAT FACILITY IS KNOWN AS D.C. JAIL.

AT THE POINT OF TRANSFER, THOUGH, OUR JAIL FACILITY BECAME A PRISON.

THE OVERCROWDING SCENARIO PROGRESSED ONWARD TO D.C. JAIL, NOW A PRISON, WITH YET ANOTHER THREAT OF COURT SANCTIONS.

THE SECOND PHASE OF THE INMATE SHUFFLE BEGAN LAST SUMMER WITH THE TRANSFER OF APPROXIMATELY 45 INMATES FROM THE D.C. JAIL/PRISON INTO AN ALREADY FULL-TO-CAPACITY WARD SIX HALFWAY HOUSE. TO ACCOMODATE THAT INMATE VOLLEY, THE CITY SIMPLY RAISED THE CAPACITY AT 1430 G STREET, N.E. FROM 45 INMATES TO 90.

ON AUGUST 28, 1985 I STATED PUBLICLY THAT, "THE WHOLE APPROACH WAS ABSURD." I ASKED, "WHY FUEL ONE CRISIS SITUATION TO RELIEVE ANOTHER?"

WELL MR. CHAIRMAN, AS IF SOME MAGICAL MYSTERY HAD JUST BEEN UNCOVERED, THE MAYOR AND SOME OF MY COLLEAGUES BEGAN TO REALIZE THAT THE DISTRICT WAS LOCKING UP MORE PEOPLE, PRETRIAL AND SENTENCED, THAN WE COULD PROPERLY HOUSE.

AS A SOLUTION, THE COUNCIL AND THE EXECUTIVE CREATED A CORRECTIONAL FACILITY STUDY COMMISSION TO TELL US IN JANUARY WHAT WE HAD KNOWN FOR YEARS:

> "THE DISTRICT OF COLUMBIA, CAUGHT BETWEEN SOARING ARRESTS, SUCCESSFUL PROSECUTIONS AND JUDICIALLY IMPOSED LIMITS ON ITS PRISON AND JAIL POPULATIONS, IS FACED WITH AN IMMEDIATE AND COMPLEX PROBLEM: HOW TO COPE WITH A SEVERE OVERCROWDING CRISIS IN ITS CORRECTIONAL FACILITIES."

-- FINAL REPORT OF THE COMMISSION
PAGE ONE

THANK YOU VERY MUCH!

AS ITS SWEEPING AND BOLD SOLUTION, THE COMMISSION RECOMMENDED ANYTHING AND EVERYTHING BUT NEW CORRECTIONAL FACILITY CONSTRUCTION.

TIME MARCHED ON WITH MORE PEOPLE BEING ARRESTED DAILY AND PAPERED THROUGH THE SYSTEM. WITH APPARENTLY IN MIND THE COMMISSION'S RECOMMENDATION OF COMMUNITY BASED CORRECTIONAL FACILITIES AS A MAJOR SOLUTION TO THE PROBLEM, THE EXECUTIVE ATTEMPTED TO PLACE SUCH A FACILITY IN A RESIDENTIAL NEIGHBORHOOD IN MY WARD. I NEED NOT ELABORATE AS TO HOW SUCCESSFUL THAT MOVE WAS. THE WORD "DISASTER" WILL SUFFICE.

THEN, MR. CHAIRMAN, I GUESS THE CITY JUST TOOK TO HEART, AND MAYBE A LITTLE TOO LITERALLY, YOUR GENEROUS OFFER TO LEND A HELPING HAND. I GUESS THE CITY ASSUMED THAT THE GENEROSITY OF THE PEOPLE OF THE COMMONWEALTH OF PENNSYLVANIA CAME ALONG WITH THE KIND INTEREST OF ITS GREAT STATESMAN AND SENATOR. SO, MR. CHAIRMAN, WE SENT SOME INMATES TO BED DOWN IN PENNSYLVANIA. THAT DIDN'T WORK EITHER AND HERE WE ARE TODAY, ONCE AGAIN BEFORE YOUR SUBCOMMITTEE.

TO DATE, MR. CHAIRMAN, THERE ARE ONLY TWO CONCRETE CONCLUSIONS BEFORE US. ONE, WE ARE GOING TO BUILD; AND TWO, WE ARE NOT GOING TO BUILD IN PENNSYLVANIA.

I AM PERSONALLY OF THE OPINION THAT WE SHOULD NOT BUILD OR EXPAND ANY DETENTION FACILITIES IN WARD SIX. I'VE GOT THE D.C. JAIL/PRISON AND D.C. GENERAL HOSPITAL/DRUG TREATMENT CENTER NOW. LIKE YOUR PENNSYLVANIA CONSTITUTENTS, MR. CHAIRMAN, THE PATIENCE AND GENEROSITY OF MY WARD SIX CONSTITUENTS IS LIMITED, TOO!

WEEK BEFORE LAST, THE MAYOR BRIEFED THE COUNCIL ON THE OVERCROWDING CRISIS, FACTS AND FIGURES: 21,999 PROSECUTIONS IN 1985 WITH 13,188 CONVICTIONS. THE MAYOR SAID THAT, "WE AREN'T TALKING ABOUT SUNDAY SCHOOL KIDS, WE ARE TALKING ABOUT HARDENED CRIMINALS." THE VAST MAJORITY OF WHOM ARE REPEAT FELONS. THE MAYOR ASKED THE COUNCIL TO WORK WITH HIM.

HE HAS MY COMMITMENT TO BUILD A CORRECTIONAL FACILITY, BUT NOT IN A RESIDENTIAL NEIGHBORHOOD WHERE THE POTENTIAL FOR NEGATIVE ENVIRONMENTAL IMPACT IN TERMS OF HEIGHTENED TRAFFIC CONGESTION ACCOMPANIED BY NOISE AND AIR POLLUTION IS ASTRONOMICAL. I DO HOPE MARION BARRY IS A GOOD MATHEMATICIAN. HE MAY HAVE ALREADY CALCULATED AND MADE ACCOMODATIONS FOR THE POLITICAL DAMAGE THAT WILL COME ON THE HEELS OF THE DECISION TO PUT ANOTHER CORRECTIOINAL FACILITY IN WARD SIX.

FOR THE SAKE OF GETTING THIS ARGUMENT OFF OF DEAD CENTER, LET'S ASSUME THAT THE MAYOR DID WIN AND WE HAVE A NEW PRISON AND DRUG TREATMENT CENTER ON

THE WAY IN WARD SIX. WHAT DO WE DO ABOUT THE INTERIM PROBLEM OF CELL SPACE AND THE ONGOING PROBLEM OF HOUSING PRETRAIL DETAINEES AND THOSE AWAITING SENTENCING? THE PRISON PROBLEM MAY BE RESOVLED IN THEORY, BUT THE JAIL CRISIS WILL CONTINUE ON. THE SYSTEM IS DYNAMIC, WE JUST CAN'T STOP AND START IT, IT RUNS ON, AND ON, AND ON. WE SHOULD BE THINKING IN TERMS OF CELL SPACE FOR 300 TO 500 UNSENTENCED INMATES. WE SHOULD BE THINKING IN TERMS OF A JAIL FACILITY IN THE JUDICIARY SQUARE AREA, CENTER CITY, LIKE MANY OTHER MUNICIPALITIES, SUCH AS PHILADELPHIA, SEATTLE, BALTIMORE, CHICAGO, AND GREENSBORO. THOSE CITIES LOCATED THEIR JAILS IN THE DOWNTOWN-AREAS, IN CLOSE PROXIMITY TO THEIR COURTS AND CITY SERVICES AND NOT IN RESIDENTIAL NEIGHBORHOODS.

I HAVE A PROPOSAL. BUT I HAVE BEEN INFORMED THAT I MAY NEED AN ACT OF CONGRESS TO GET MY WAY. WHAT I THINK WE SHOULD DO IS TO CONSOLIDATE SOME OF THE D.C. COURT SYSTEM'S SPACE WITH PHYSICAL SHIFTS AND EXPANSIONS AWAY FROM THEIR LEAST-USED OLD COURT BUILDING "A". WITH YOUR HELP, SENATOR, WE COULD WORK WITH THE COURTS AND TURN BUILDING "A" INTO A MODERN, SELF-CONTAINED, CRIMINAL DETENTION FACILITY FULLY EQUIPPED WITH ADEQUATE CELLBLOCK SPACE, COURT ROOMS, HEARING ROOMS, HUMAN SERVICES AND SECURITY, COMPLETELY ISOLATED FROM RESIDENTIAL COMMUNITIES AND CONVENIENTLY LOCATED DOWNTOWN. WHILE WE DO THE CONVERSIONS, SENATOR, WE COULD CONCURRENTLY UTILIZE THE EXPANSIVE CELLBLOCK SPACE PRESENTLY GOING UNUSED. WE COULD PROBABLY EVEN EMPLOY PRISON LABOR TO HELP WITH THE RENOVATION. THE COURTS NEED A LITTLE NUDGE TO COOPERATE WITH THE CITY. LET'S MAKE THEM AN OFFER. WHILE THE COURTS CONVICT AND SENTENCE AS THEY SHOULD; THE COURTS SHOULD ALSO SHARE PART OF THE BURDEN OF MAKING THE ENTIRE SYSTEM FUNCTION. ALLOWING THE USE OF "RARELY USED" CELLBLOCKS WILL CERTAINLY NOT IMPEDE THE EFFECTIVENESS OR MISSION OF THE D.C. COURT SYSTEM. LET'S GET THEM INVOLVED.

THANK YOU VERY MUCH.

WINTER CHIDES CITY'S OPPOSITION TO NEW D.C. PRISON

[Council of the District of Columbia News Release, July 24, 1985]

Washington, D.C.--In a heated statement released this morning, Councilmember Nadine P. Winter (D-Ward Six) expressed her sharp opposition to public revelations made by the Chairman of the City Council's Judiciary Committee that a new jail is "not needed" at this time. District Mayor Marion Barry agreed that a new facility was needed only after intense pressure came from Senator Arlen Specter (R-PA) to build one.

"I am in total opposition to public comments being made by my colleague that the District does not need a new jail. The very fact that D.C. Jail is nearly 100% overcrowded with 767 unsentenced felony offenders and 727 sentenced felons among its population clearly demonstrates a very real and urgent need for more space," she said.

D.C. Jail is located in Ward Six and Councilmember Winter is extremely sensitive to the multitude of serious problems that overcrowding at the facility has created in the surrounding community. Noise, inmate violence, and jail break-outs have caused a high degree of alarm and fear in her Ward.

While the District has realized a 22.6% reduction in crime index offenses(rape, murder, burglary, etc.) over the last few years, the number of arrests have risen steadily. The rate of arrests increased 25% between 1980 and 1984. Convictions during that same period, both felony and misdemeanor, rose by an awesome 84%.

"We have all seen the projected population figures in the Department of Corrections' budget each year," Mrs. Winter wrote in a strongly worded letter to Judiciary Chairperson Wilhelmina Rolark today. "You and the Mayor seem to ignore what is obvious: When the cup is full, it shall runneth over."

"We all recognize the need for and want a strong criminal justice system," Mrs. Winter acknowledged. "But that includes a police force that makes arrests, a court system that hands-down convictions and alternative sentences when our judges deem it appropriate, and adequate criminal detention facilities that are safe, sanitary and equipped to train, educate, and redirect the criminal offender."

As she has on many occasions before the current crisis at D.C. Jail made headlines, Councilmember Winter is once again calling for the immediate planning and funding of rehabilitation and reform programs for the incarcerated along with a new jail. "Some of my colleagues criticize me for being too humane. Well I'm proud to be concerned about people. We are dealing with human beings. It does our society no good to mistreat or neglect criminal offenders," she said.

Councilmember Winter has recommended that the city build and staff a facility that is capable of training inmates to qualify for jobs when they are released. She has suggested that programs can be established which target the abundance of hard-to-fill surburban jobs.

"Fairfax County and other nearby employers are recruiting unskilled labor from as far away as West Virginia and North Carolina. The District should be doing something now to place reformed and trained inmates when released in some of those jobs," she said. "Our prisoners, especially those eligible for release soon, watch and read about people travelling over 100 miles a day to fill local jobs. I am certain that we have plenty of qualified laborers," she added.

Councilmember Winter has also described the formation of the new Correctional Facility Study Commission to be "too little and too late" with an obvious conclusion ahead of it. She believes that the burden should be on the elected officials, the Mayor and the Council. "I am ready to do my job," she said.

WINTER OUTRAGED OVER PRISON VOLLEY

[Council of the District of Columbia News Release, August 28, 1985]

Washington, D.C.-- Councilmember Nadine P. Winter(D-Ward Six) today publicly expressed her outrage over Mayor Barry's plan to squeeze more inmates into the city's limited capacity halfway houses as an answer to Judge Bryant's order to reduce overcrowding at D.C. Jail.

"This whole approach is absurd", Mrs. Winter declared. "It is not only entirely ridiculous in theory, but utterly senseless in practice to take criminals out of an overcrowded jail and pack them like sardines into minimally secure community-based residential facilities. Halfway houses can be part of the solution. But why exacerbate one crisis situation to relieve another?"

According to officials at the District's Community Correctional Center, there are currently 82 former D.C. Jail inmates being housed at the Adult Rehabilitation Home located at 1430 G. Street, N.E. The original rated capacity of that Ward Six halfway house was established at 45 persons. In response to Judge Bryant's decree, Mayor Barry unilaterally increased the home's capacity from 45 to 90 inmates. Security has been increased from 8 to 12 Police Officers.

"This whole turn of events has not only been shocking, it's been absolutely appalling," Mrs. Winter said. "It was bad enough that a federal judge had to intervene and force the city to get it's house in order. What is worse is the city's response. Mayor Barry has seen fit to transfer the scandalous jail overcrowding problem directly into the community. I have been advised by several of my constituents of their tentative plans to take the Mayor to court before we are all faced with a very real nightmare."

LETTER FROM NADINE P. WINTER

Larry Polansky, Esq.
Executive Officer of the District
of Columbia Courts
Superior Court of the District of Columbia
Washington, D. C. 20001

April 2, 1986

Dear Mr. Polansky:

I received today a copy of a letter from Chief Judge H. Carl Moultrie I, to Mayor Marion Barry dated March 31, 1986. The contents of that letter express a certain degree of consternation as felt by our Chief Judge with respect to "several significant" budget redirections undertaken by the Council during its review of the D.C. Court System's fiscal year 1987 budget request.

In regard to Chief Judge Moultrie's concerns, and several concerns of my own with respect to the ongoing fiscal affairs of the D.C. Court System, I believe that our mutual concerns and interests in the appropriate and necessary funding of our Courts would best be served by communicating through your office.

Your involvement several weeks ago in addressing my proposal to permit the use of "vacant" cellblock space below Superior Court Buildings A and B by the Department of Corrections was most beneficial. The forthcoming decision of the Joint Committee on Judicial Administration to allow provisional use of cellblock space in Building B was certainly appreciated.

While the Court's permitted use of Building B has helped relieve a crisis situation faced by the city, I am still very interested in the disposition of cellblock space in Building A.

My ongoing and careful review of the Operating and Capital Budget Requests of the Court has led me to raise a particular question, though. It concerns Capital Project B15 authorized through the Fiscal Year 1985 budget. Project B15 designated $138,000.00 for the Conversion of Holding Cells in Superior Court Building A into office space. The project's justification noted that there are "three prisoner 'holding cells' in Building A, each over 700 feet in size...the cells have been needed only on rare occasions."

It would be very helpful to be apprised of the status of Project B15 and the disposition of funds authorized pursuant thereto.

I would also like to continue our discussions with respect to Building A, in general. The Joint Commission has been somewhat receptive to my suggestions concerning the use of cellblock space in Building B. I have some specific ideas about alternate uses of Building A, particularly in regard to unused cellblocks, and would appreciate very much a meeting with you to discuss my ideas and the budget concerns expressed by Chief Judge Moultrie in his March 31, 1986 letter to Mayor Barry.

In regard to the District's submission to Congress of its Fiscal Year 1987 Budget Act, we should certainly be able to work together at the local level to resolve whatever problems that may exist. As you know, I represent Ward Six and it is no secret that my constituents' greatest concerns involve crime prevention, crime reduction and the efficient and effective workings of our criminal justice system. These concerns, therefore, warrant my close attention. Even before my tenure on the Council, I have consistently sought solutions to problems and not simply complained.

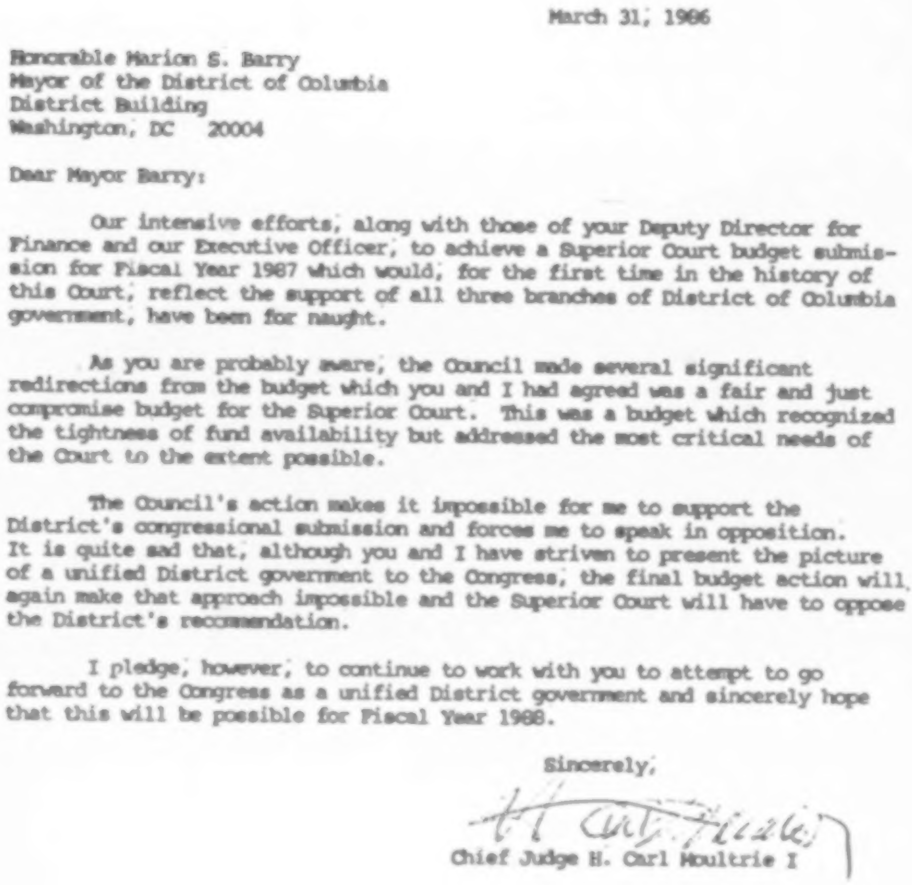
I look forward to hearing from you soon.

Sincerely,

Nadine P Winter

Nadine P. Winter
Councilmember - Ward 6

LETTER FROM CHIEF JUDGE H. CARL MOULTRIE I



March 31, 1986

Honorable Marion S. Barry
Mayor of the District of Columbia
District Building
Washington, DC 20004

Dear Mayor Barry:

Our intensive efforts, along with those of your Deputy Director for Finance and our Executive Officer, to achieve a Superior Court budget submission for Fiscal Year 1987 which would, for the first time in the history of this Court, reflect the support of all three branches of District of Columbia government, have been for naught.

As you are probably aware, the Council made several significant redirections from the budget which you and I had agreed was a fair and just compromise budget for the Superior Court. This was a budget which recognized the tightness of fund availability but addressed the most critical needs of the Court to the extent possible.

The Council's action makes it impossible for me to support the District's congressional submission and forces me to speak in opposition. It is quite sad that, although you and I have striven to present the picture of a unified District government to the Congress, the final budget action will again make that approach impossible and the Superior Court will have to oppose the District's recommendation.

I pledge, however, to continue to work with you to attempt to go forward to the Congress as a unified District government and sincerely hope that this will be possible for Fiscal Year 1988.

Sincerely,

Chief Judge H. Carl Moultrie I

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1987

WEDNESDAY, JUNE 4, 1986

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 9:52 a.m., in room SD-192, Dirksen Senate Office Building, Hon. Arlen Specter (chairman) presiding.

Present: Senator Specter.

DISTRICT OF COLUMBIA

OFFICE OF THE MAYOR

STATEMENT OF HON. MARION S. BARRY, JR., MAYOR

ACCOMPANIED BY:

- **GWYNNE WASHINGTON, ASSISTANT DIRECTOR OF EDUCATION, DEPARTMENT OF CORRECTIONS**
- **RICHARD SIEGEL, DIRECTOR OF THE BUDGET**

OPENING REMARKS

Senator SPECTER. Good morning, ladies and gentlemen. I regret my late arrival. I think this is our first late opening of our Subcommittee on the District of Columbia for the Appropriations Committee.

We have this morning the distinguished Mayor of the city, the Honorable Marion S. Barry, Jr., and the distinguished Chairman of the District of Columbia Council, the Honorable David Clarke, to discuss the fiscal year 1987 budget, a matter of great importance.

At the outset, I thank Mayor Barry and Chairman Clarke for their cooperation in the past. I continue to believe that the District of Columbia should be a model for the Nation, as our Nation's Capital and the point of entry for foreign dignitaries and foreign visitors and as a great spot for Americans who visit here in great numbers each year, and should be having more people visit here this year than ever before because of the problems with terrorism abroad.

I continue to believe that our city ought to be—and I say our city because I am a substantial resident of the District of Columbia. Although I spend most of my time in Pennsylvania, I am here a great deal and I

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continue to believe this ought to be a model city, and I pledge my efforts to continue to try to accomplish that.

Without further preliminaries, I am delighted to call on Mayor Barry.

OPENING REMARKS OF MAYOR BARRY

Mayor BARRY. Thank you very much, Mr. Chairman. Let me express my deep appreciation for the support you have given the District of Columbia. You come from a city and you understand a great deal about cities and how they operate and the complexities of them.

Also, you understand the complexity of the District of Columbia. At the same time, you have carried out your responsibility to raise questions when necessary and to look at what we are doing with our money.

We appreciate your attention to this city. I am sure there are a number of other issues and items that could take your time, being the Senator from the Commonwealth of Pennsylvania. You have spent a lot of time with us and we appreciate that, particularly as it relates to our prison system, and our education system.

We also appreciate the fact that you have basically allowed us to develop our own priorities and set our own budget direction. That has been a step forward.

PREPARED STATEMENT

Mr. Chairman, I would like to ask that my entire statement be submitted for the record, as opposed to reading it all.

Senator SPECTER. Without objection, it will be made a part of the record Mr. Mayor.

[The statement follows:]

STATEMENT OF MAYOR MARION BARRY

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, IT IS A DISTINCT PLEASURE TO APPEAR BEFORE YOU TODAY TO PRESENT THE DISTRICT OF COLUMBIA'S FISCAL YEAR 1987 BUDGET AND TO SHARE WITH YOU THE PHILOSOPHY AND GOALS UPON WHICH THIS BUDGET IS BASED.

WHEN I SUBMITTED THE FY 1987 BUDGET TO THE COUNCIL OF THE DISTRICT OF COLUMBIA IN FEBRUARY, I STATED THAT IT WAS A BUDGET TO SERVE THE PEOPLE OF THE DISTRICT AND TO KEEP FAITH WITH THEIR TRUST IN MY ADMINISTRATION'S STEWARDSHIP OF OUR YOUNG GOVERNMENT. THIS IS A BUDGET THAT IS FOR AND ABOUT PEOPLE, AND IT CONTINUES OUR EMPHASIS ON COMMUNITY PARTNERSHIPS TO ACHIEVE COMMON GOALS.

IN LOOKING TOWARD THE COMING FISCAL YEAR, WE FEEL ESPECIALLY PROUD BECAUSE THE TANGIBLE RESULTS OF OUR PAST EFFORTS CAN BE SEEN EVERYWHERE. IN OUR NEW DOWNTOWN AND IN OUR RAPIDLY REVITALIZING NEIGHBORHOOD AND COMMERCIAL AREAS, THERE IS A RENEWED SPIRIT OF OPTIMISM AND CONFIDENCE REFLECTED IN SCORES OF NEW OFFICE BUILDINGS, INDUSTRIAL PARKS, SHOPPING AND SERVICE ESTABLISHMENTS, AND LEISURE-TIME AMENITIES THAT ARE TRANSFORMING THE IMAGE OF THE DISTRICT.

THE SIGNS ARE UNMISTAKABLE: DC IS ON THE GO, AND EVERY DAY IT IS BECOMING A BETTER PLACE IN WHICH TO LIVE, TO WORK, AND TO VISIT. THE INVESTMENT OF OUR TIME, ENERGY, AND PLANNING IS PAYING BIG DIVIDENDS, AND MUCH OF THIS PAYOFF HAS BEEN TRIGGERED BY THE BUSINESS AND ECONOMIC DEVELOPMENT INITIATIVES THAT THE COUNCIL AND I HAVE WORKED VERY HARD TO ACCOMPLISH.

FISCAL RESPONSIBILITY

WE HAVE ALSO WORKED VERY HARD TO ACHIEVE FISCAL RESPONSIBILITY. FY 1985 MARKED THE FIFTH CONSECUTIVE YEAR OF BUDGET BALANCE UNDER THE MOST STRINGENT POSSIBLE ACCOUNTING STANDARDS. OVER THIS FIVE-YEAR PERIOD, WE HAVE ALSO REDUCED THE ACCUMULATED GENERAL FUND DEFICIT BY $132.9 MILLION SINCE IT WAS FIRST IDENTIFIED IN FY 1980 AT $377.8 MILLION. IN FY 1986 WE WILL AGAIN, FOR

THE SIXTH CONSECUTIVE YEAR, BALANCE OUR BUDGET. FEW OTHER CITIES OR STATES--MANY OF WHICH CONTINUE TO FACE FINANCIAL HARDSHIPS AND CONSTRAINTS-- CAN BOAST AS SUCCESSFUL A RECORD OF FINANCIAL MANAGEMENT AS THE DISTRICT OF COLUMBIA. IT HAS NOT COME EASILY OR WITHOUT DIFFICULT AND TRYING DECISIONS. HARD WORK, A COMMITMENT TO THE HIGHEST POSSIBLE STANDARDS OF MANAGEMENT, AND VIGILANT AND PERSISTENT OVERSIGHT OF ALL ASPECTS OF OUR FINANCES HAVE ALLOWED US TO ACHIEVE THESE RESULTS.

GRAMM-RUDMAN-HOLLINGS SEQUESTRATION

MOREOVER, WE WILL BALANCE OUR BUDGET IN FY 1986 DESPITE THE GRAMM-RUDMAN-HOLLINGS SEQUESTRATION. THE SEQUESTRATION RESULTED IN THE LOSS OF $16.7 MILLION IN FEDERAL FUNDS APPROPRIATED BY THIS CONGRESS IN FY 1986. OF THE $546.7 MILLION APPROPRIATED, ONLY $530.0 MILLION REMAINS AFTER THE SEQUESTRATION. THE LARGEST PORTION OF THE CUT, $15.1 MILLION, WAS APPLIED TO THE FEDERAL PAYMENT ACCOUNT, WHICH CONSISTS OF THE FEDERAL PAYMENT, THE WATER AND SEWER PAYMENT, AND THE POLICE, FIRE, AND TEACHERS RETIREMENT CONTRIBUTION.

WHEN THE SEQUESTRATION ORDER TOOK EFFECT FY 1986, WE HAD ALREADY DRAWN DOWN THE FEDERAL PAYMENT AMOUNT OF $425 MILLION, THE RETIREMENT CONTRIBUTION OF $52 MILLION, AND $15 MILLION OF THE $30.1 MILLION DUE FOR THE WATER AND SEWER SERVICE PAYMENT. THUS THE BALANCE REMAINING IN THE TREASURY AT THE TIME OF SEQUESTRATION WAS THE BALANCE DUE THE DISTRICT BY THE FEDERAL GOVERNMENT FOR WATER AND SEWER SERVICES TO FEDERAL FACILITIES IN THE DISTRICT AND NEARBY SUBURBS. THIS PAYMENT IS A USER CHARGE; IT IS A BILL DUE AND OWING THE DISTRICT GOVERNMENT. THE FEDERAL GOVERNMENT OUGHT TO PAY ITS WATER BILLS THE SAME AS THE PRIVATE WATER AND SEWER CUSTOMERS PAY THEIRS.

THE FEDERAL GOVERNMENT OUGHT TO PAY FOR THE UTILITY SERVICES THAT IT PURCHASES FROM THE DISTRICT--THE WATER AND SEWER SERVICES--THE SAME AS IT PAYS FOR THE ELECTRICITY SERVICES IT PURCHASES FROM PEPCO OR THE GAS SERVICES IT PURCHASES

FROM THE GAS COMPANY. I WOULD EXPECT THAT THE FEDERAL GOVERNMENT WOULD NOT TELL THE UTILITY COMPANIES THAT IT COULD NOT PAY ITS UTILITY BILLS BECAUSE OF THE GRAMM-RUDMAN-HOLLINGS SEQUESTRATION. THEREFORE, I WOULD EXPECT THE FEDERAL GOVERNMENT TO PAY THE UTILITY BILLS THAT IT OWES THE DISTRICT FOR WATER AND SEWER SERVICES. THESE ARE USER-RELATED, AS ARE THE SERVICES PROVIDED BY THE UTILITY COMPANIES. IN ORDER TO SEPARATE THE UTILITY PAYMENTS FROM THE OTHER FEDERAL PAYMENTS, THE WATER AND SEWER PAYMENT SHOULD BE APPROPRIATED AS A SEPARATE ACCOUNT.

SEPARATING THE FEDERAL PAYMENT ACCOUNT

I AM REQUESTING THAT THE FEDERAL PAYMENT ACCOUNT CONSISTING OF THE FEDERAL PAYMENT, THE WATER AND SEWER PAYMENT, THE POLICE, FIRE, AND TEACHER CONTRIBUTION BE SEPARATELY IDENTIFIED IN OUR FY 1987 APPROPRIATIONS ACT, AS THEY EACH HAVE A DIFFERENT PURPOSE. THE FEDERAL PAYMENT IS A PAYMENT IN-LIEU-OF TAXES, THE WATER AND SEWER PAYMENT IS A REIMBURSEMENT FOR THE USE OF WATER AND SEWER SERVICES PROVIDED BY THE DISTRICT TO THE FEDERAL GOVERNMENT, AND THE CONTRIBUTION TO THE POLICE, FIRE, AND TEACHERS RETIREMENT FUND IS A PAYMENT AUTHORIZED BY P.L. 96-122.

EXEMPTING FEDERAL PAYMENT ACCOUNT FROM GRAMM-RUDMAN-HOLLINGS

I WOULD ARGUE ALSO THAT THE ENTIRE FEDERAL PAYMENT ACCOUNT SHOULD BE EXEMPT FROM THE GRAMM-RUDMAN-HOLLINGS ACT. THE FEDERAL PAYMENT IS A PAYMENT IN-LIEU-OF TAXES--IT IS A BILL DUE AND OWING--THE SAME AS THE WATER AND SEWER SERVICE PAYMENT. THE FEDERAL PAYMENT IS A PAYMENT FOREGONE BECAUSE OF THE FEDERAL PRESENCE. THE FEDERAL GOVERNMENT SHOULD BE COMMITTED TO PAYING ITS BILLS JUST LIKE ANY OTHER CREDITOR. IN ADDITION, THE $52 MILLION FOR THE POLICE, FIRE, AND TEACHERS RETIREMENT IS AUTHORIZED BY P.L. 96-122, PASSED BY THIS CONGRESS IN 1979. THE FEDERAL GOVERNMENT SHOULD HONOR ITS COMMITMENT.

INCREASE IN FEDERAL PAYMENT

AS YOU KNOW, THE PRESIDENT HAS RECOMMENDED AN INCREASE IN THE FEDERAL PAYMENT OF $19.5 MILLION IN HIS FY 1987 BUDGET. THIS WILL INCREASE THE FEDERAL PAYMENT TO $444.5 MILLION, ONCE IT IS AUTHORIZED. WE WERE ADVISED BY OMB ON DECEMBER 12, 1985, THAT THIS REPRESENTED AN INFLATIONARY INCREASE OF 4.6 PERCENT FROM THE 1985 LEVEL OF $425 MILLION. HOWEVER, IN MARCH WE WERE INFORMED BY OMB THAT THE $444.5 MILLION INCLUDED THE $20 MILLION FOR THE CONSTRUCTION OF THE PRISON FACILITY IN THE DISTRICT AND THAT THE PRESIDENT'S BUDGET WAS BEING AMENDED TO REFLECT THAT CHANGE. WE WERE APPALLED, AS THE $20 MILLION WAS A PART OF THE $30 MILLION APPROPRIATED BY THIS CONGRESS IN FY 1986 FOR THE PRISON FACILITY, OF WHICH $10 MILLION WAS AVAILABLE IN FY 1986 AND $20 MILLION WAS TO BE AVAILABLE IN FY 1987 (OCTOBER 1, 1986). I EXPRESSED MY STRONG OPPOSITION TO OMB IN A LETTER OF MARCH 19, 1986, INDICATING THAT THE DISTRICT SHOULD NOT BE HELD HOSTAGE TO THE ERROR MADE BY OMB IN OMITTING THE OUTLAY OF THE ADVANCED APPROPRIATION OF $20 MILLION IN THE PRESIDENT'S FY 1987 BUDGET. THIS HAS THE EFFECT OF REDUCING THE FEDERAL PAYMENT BY $20 MILLION.

I HAVE INFORMED BOTH SUBCOMMITTEES OF MY RESPONSE TO THE ACTION TAKEN BY OMB. I WANT TO GO ON RECORD AS SAYING THAT THE $20 MILLION IS NOT A PART OF THE $444.5 MILLION AND THAT THE ACTION OF OMB CONTRADICTS ITS ORIGINAL POSITION AND CIRCUMVENTS P.L. 99-190, THE FY 1986 CONTINUING RESOLUTION PASSED BY THIS CONGRESS, WHICH INCLUDED THE APPROPRIATION OF THE $20 MILLION. I WOULD ASK THE CONGRESS TO ENSURE THAT THE $20 MILLION FOR THE PRISON FACILITY WILL BE AVAILABLE IN FY 1987 AND THAT IT WILL BE OVER AND ABOVE THE $444.5 FEDERAL PAYMENT AMOUNT RECOMMENDED BY THE PRESIDENT.

EDUCATIONAL/VOCATIONAL PROGRAM

DESPITE THE ASSERTIONS OF CRITICS AND SOME MEDIA ACCOUNTS TO THE CONTRARY, THERE HAVE BEEN SIGNIFICANT ACCOMPLISHMENTS REALIZED BY THE DEPARTMENT OF CORRECTIONS' ENHANCED EDUCATIONAL AND VOCATIONAL PROGRAMS. THE FORMIDABLE

TASK WE HAVE FACED AND CONTINUE TO FACE IS HOW BEST TO MOTIVATE INMATES TO BECOME LITERATE AND LEARN MARKETABLE SKILLS IN AN ENVIRONMENT OF CONTROL, IN THE FACE OF YEARS OF NEGLECT AND FAILURE.

I REITERATE IN THE CONTEXT OF THIS STATEMENT MY PROFOUND APPRECIATION FOR YOUR TENACIOUS ADVOCACY, SUPPORT AND LEADERSHIP AS WE SEEK TO FULLY ACTUALIZE THESE AMBITIOUS REFORMS. MY PERSONAL COMMITMENT TO THE PROGRAM IS UNWAIVERING: MY RESOLVE TO CONTINUE TO BUILD UPON THE FOUNDATION WE HAVE LAID IS UNEQUIVOCAL.

I APPRECIATE YOUR COMMITMENT TO FUND THIS PROGRAM BEGINNING IN FY 1984 AND REQUEST THAT THAT COMMITMENT CONTINUE IN FY 1987 WITH THE APPROPRIATION OF ADDITIONAL FEDERAL FUNDS OF BETWEEN $6 MILLION TO $8 MILLION, INCLUDING COMMUNITY-BASED, SECOND-CHANCE CENTERS TO FUND THE PROGRAM IN FY 1987.

AS YOU KNOW, IN APRIL WE FORWARDED TO THE COMMITTEE A LINE-ITEM BREAKDOWN OF ALL EXPENDITURES ASSOCIATED WITH THE PROGRAM SINCE ITS INCEPTION IN 1984. VERY SHORTLY, I WILL BE FORWARDING A DETAILED REPORT ON PROGRAM STATUS. THE FOLLOWING ARE SOME HIGHLIGHTS OF ACCOMPLISHMENTS:

- SINCE 1984 THERE HAVE BEEN 5,904 ADULT BASIC EDUCATION TESTS ADMINISTERED.

- THE GENERAL APTITUDE TEST BATTERY (VOCATIONAL APTITUDE) HAS BEEN ADMINISTERED TO 138 INMATES.

- A TOTAL OF 714 INMATES HAVE TAKEN THE GENERAL EDUCATION DEVELOPMENT TEST (HIGH SCHOOL EQUIVALENCY). A TOTAL OF 461 RECEIVED PASSING SCORES. THIS REPRESENTS A 66 PERCENT PASSING RATE.

- ACADEMIC ENROLLMENT AT ALL FACILITIES AS OF MAY 1986 WAS 2,400; IT WAS 1,006 IN 1983.
- VOCATIONAL PARTICIPANTS AS OF APRIL 1986 WERE 416. THESE PERSONS ARE ENROLLED IN THE FOLLOWING KINDS OF PROGRAMS: CARPENTRY, CULINARY ARTS, ELECTRICAL, UPHOLSTERY, DENTAL ASSISTANTS, HOUSEKEEPING, LANDSCAPE GARDENING, TYPING, COMPUTER REPAIR, PRINTING, SILKSCREENING, GRAPHIC ARTS, AND THE LIKE. WITHIN THE NEXT 60 DAYS WE WILL HAVE COMPLETED A REVIEW OF ALL VOCATIONAL PROGRAMS. EDUCATIONAL SERVICES AND PRISON INDUSTRIES ARE DEVELOPING SEVERAL PROGRAM LINKAGES (e.g., PRINTING, MEAT PROCESSING, BUILDING TRADES) IN WHICH THEY WILL WORK COLLABORATIVELY TO BUILD AND REFINE MARKETABLE APPRENTICESHIP OPPORTUNITIES.

WE HAVE MADE GREAT STRIDES IN INTEGRATING THE WORK WE ARE DOING IN THE INSTITUTIONS WITH THE PLACEMENT/JOB COUNSELING STAFF OF OUR DEPARTMENT OF EMPLOYMENT SERVICES. IN FACT I ORDERED THE CREATION OF A SPECIAL UNIT WITHIN THE DEPARTMENT OF EMPLOYMENT SERVICES TO OVERSEE THE PLACEMENT OF EX-OFFENDERS. THIS EFFORT IS WORKING WELL AND IN ENABLING US TO FORGE LINKAGES WITH PRIVATE-SECTOR EMPLOYERS.

APPROXIMATELY 400 INMATES WHO HAVE HAD SIGNIFICANT INVOLVEMENT WITH THE EDUCATIONAL PROGRAM HAVE BEEN PLACED IN MEANINGFUL JOBS. WE HAVE BEGUN TO TRACK THEIR STATUS IN AN EFFORT TO BEGIN EVALUATING RECIDIVISM RATES FOR THE PROGRAM PARTICIPANTS VS. NONPARTICIPANTS. WE WILL KEEP THE COMMITTEE INFORMED OF OUR TRACKING RESULTS.

CONTRACTING/PROCUREMENT

WHILE I AM CONCERNED ABOUT THE FUNDING ISSUES, I WOULD LIKE TO SPEND A FEW MINUTES TALKING ABOUT SOME VERY POSITIVE ACTIONS I HAVE TAKEN, ESPECIALLY IN THE AREA OF CONTRACTING AND PROCUREMENT.

I AM COMMITTED TO CREATING A MODEL PROCUREMENT SYSTEM FOR THE DISTRICT, ONE THAT PROMOTES COMPETITION AND FOSTERS LOCAL ECONOMIC DEVELOPMENT BY ENCOURAGING THE GROWTH AND DEVELOPMENT OF LOCAL MINORITY AND SMALL BUSINESSES. THE DISTRICT OF COLUMBIA FACES UNIQUE, SOMETIMES FEDERALLY IMPOSED, LIMITATIONS ON ITS ABILITY TO PROMOTE LOCAL ECONOMIC DEVELOPMENT. WE MUST USE EFFECTIVELY THE FEW LEGITIMATE TOOLS AT OUR DISPOSAL TO ENSURE LOCAL ECONOMIC DEVELOPMENT AND TAX-BASE BROADENING. THE DISTRICT'S OWN PURCHASING POWER IS ONE OF ITS STRONGEST TOOLS.

DURING THE LAST YEAR, I HAVE MADE IMPROVEMENTS IN THE PROCUREMENT SYSTEM A PRIORITY OF THIS GOVERNMENT. WHILE THERE HAVE BEEN SOME HIGHLY PUBLICIZED REPORTS OF PROBLEMS WITH OUR PROCUREMENT PROCESS, I AM CONFIDENT THAT THE MAJORITY OF PROCUREMENTS HAVE BEEN SOUND. CHANGES WERE NEEDED AND CONTINUE TO BE NEEDED, HOWEVER, TO ENSURE THAT ALL ACTIONS ARE ABOVE SUSPICION AND THAT OUR PROCUREMENT OBJECTIVES ARE MET.

I SEE THE NEW D.C. PROCUREMENT PRACTICES ACT, WHICH BECAME EFFECTIVE ON FEBRUARY 21 OF THIS YEAR, AS AN OPPORTUNITY TO MAKE ADDITIONAL IMPROVEMENTS IN THE SYSTEM.

I STRONGLY SUPPORT THE NEED FOR AN EFFECTIVE REPORTING SYSTEM FOR ACCOUNTABILITY, FOR COMPETITION THAT FOSTERS BUSINESS DEVELOPMENT, AND FOR STANDARD PROCEDURES. MY PROGRAM FOR IMPROVEMENT HAS AS ITS GOAL TO INCREASE THE EFFICIENCY AND FISCAL ACCOUNTABILITY OF THE DISTRICT'S CONTRACTING PROCESS WHILE PROMOTING IMPORTANT SOCIAL AND ECONOMIC OBJECTIVES.

I WOULD LIKE TO POINT OUT TO YOU SOME OF THE ACTIONS TAKEN THUS FAR TO IMPROVE OUR PROCUREMENT SYSTEM.

- WE HAVE TAKEN THE INITIAL STEPS TO ESTABLISH AN ONGOING TRAINING

PROGRAM ON PROCUREMENT AND PUBLIC-SECTOR ETHICS FOR ALL EMPLOYEES INVOLVED IN DISTRICT GOVERNMENT PROCUREMENT.

- WE HAVE BEGUN THE IMPLEMENTATION OF THE NEW COMPUTERIZED PROCUREMENT INFORMATION SYSTEM THAT WILL GIVE US THE ACCOUNTABILITY OUR SYSTEM HAS SOMETIMES LACKED. IT ALSO WILL GIVE MY SENIOR MANAGERS AND ME THE BASIC MANAGEMENT INFORMATION WE NEED TO RUN THIS GOVERNMENT.

- I HAVE STRONGLY COMMUNICATED TO MY AGENCY HEADS THAT I WANT NONCOMPETITIVE EXTENSIONS TO STOP. PLANNING AHEAD, ESPECIALLY FOR MAJOR CONTRACTS, IS ESSENTIAL.

- MY CENTRAL PROCUREMENT AGENCY, THE DEPARTMENT OF ADMINISTRATIVE SERVICES, HAS BEGUN AN EXPIRING CONTRACTS REPORT FOR CONTRACTS OVER $100,000. THIS REPORT WILL SERVE AS AN EARLY WARNING SYSTEM TO USER AGENCIES TO PROVIDE CONTRACT REQUIREMENTS AND TO HELP SCHEDULE THE DEPARTMENT'S WORK.

- I HAVE ISSUED INTERIM PROCUREMENT PROCEDURES THAT IMPLEMENT THE NEW PROCUREMENT LAW. THESE PROCEDURES REPLACE REGULATIONS FOUND TO BE INCONSISTENT WITH THE REQUIREMENTS OF THE NEW LAW. AMONG OTHER THINGS, THEY REQUIRE THAT COST AND PRICING DATA BE SUBMITTED BY CONTRACTORS.

- WE ARE DEVELOPING A COMPREHENSIVE SET OF NEW REGULATIONS TO REPLACE ALL EXISTING RULES AND REGULATIONS. THE NEW PROCUREMENT LAW REQUIRES THAT THE COUNCIL REVIEW AND APPROVE THESE PROCEDURES BEFORE THEY BECOME EFFECTIVE THIS FALL.

THE BOTTOM LINE FOR US IS FULL VALUE FOR THE TAXPAYERS' DOLLARS. THAT

INCLUDES A SOUND PROCUREMENT PROCESS THAT HELPS BUILD A STRONG LOCAL ECONOMY AND A BROADER TAX BASE.

HIGHLIGHTS OF FY 1987 BUDGET

LET ME BRIEFLY REVIEW WITH YOU THE KEY ELEMENTS OF OUR PROPOSED FY 1987 BUDGET.

A TOTAL OF $2,441,613,000 IS PROPOSED FOR THE DISTRICT'S GENERAL FUND IN FY 1987. THIS REPRESENTS AN INCREASE OVER THE ORIGINALLY APPROVED FY 1986 BUDGET OF $154,100,000. OF THE TOTAL INCREASES PROPOSED, OVER $100 MILLION IS FOR MANDATED NONDISCRETIONARY COSTS. FOR EXAMPLE, $55 MILLION REPRESENTS THE THIRD-YEAR COSTS OF THE COLLECTIVE BARGAINING AGREEMENTS, AVERAGING 4 PERCENT IN FY 1987, AND THE MANDATED COSTS OF WITHIN-GRADE INCREASES. ANOTHER $23 MILLION IS REQUIRED TO RELIEVE OVERCROWDING IN OUR CORRECTIONAL FACILITIES AS MANDATED BY COURT ORDERS. A TOTAL OF $10 MILLION IS REQUIRED TO FUND THE EVER-INCREASING COSTS OF SAINT ELIZABETHS HOSPITAL AS REQUIRED BY OUR FINANCIAL OBLIGATIONS UNDER THE SAINT ELIZABETHS HOSPITAL AND D.C. MENTAL HEALTH SERVICES ACT OF 1985, AND APPROXIMATELY $20 MILLION IS NEEDED TO MEET THE LEGISLATIVE REQUIREMENTS OF CURRENTLY ENACTED LEGISLATION SUCH AS THE TENANT ASSISTANCE PROGRAM, THE CIVIL INFRACTIONS ACT, THE PROCUREMENT PRACTICES ACT OF 1985, AND THE HEALTH OCCUPATION REVISION ACT OF 1985.

THE REMAINDER OF APPROXIMATELY $50 MILLION COVERS THE EXPANSION OF ONGOING PROGRAMS AS WELL AS NEW PROGRAM INITIATIVES. LET ME HIGHLIGHT A FEW OF THESE EFFORTS.

JOBS

FOR EVERY JOB WE CREATE AND FOR EVERY JOBLESS PERSON WE CAN TRAIN TO FILL IT, WE BUILD A FOUNDATION OF BASIC HUMAN DIGNITY; WE STRENGTHEN FAMILIES; AND WE MOVE FORWARD TOGETHER AS A SOCIETY. THE FY 1987 BUDGET INCLUDES SIGNIFICANT INCREASES FOR JOB TRAINING AND EMPLOYMENT SERVICES.

AN INCREASE OF $2.1 MILLION WILL EXPAND BY NEARLY ONE-THIRD THE SUMMER YOUTH EMPLOYMENT PROGRAM. OUR SUMMER PROGRAM IS ALREADY ONE OF THE LARGEST AND MOST SUCCESSFUL IN THE NATION, AND THIS INCREASE WILL PROVIDE AN ADDITIONAL 3,100 YOUNG PEOPLE WITH VALUABLE ON-THE-JOB EXPERIENCE AND THE PRIDE OF HAVING EARNED A PAYCHECK. OUR GOAL IS TO ENROLL ALMOST 21,000 YOUTHS IN THE PROGRAM, ABOUT 12,000 THROUGH DISTRICT RESOURCES AND UP TO 9,000 MORE SUBJECT TO FEDERAL FUNDING. ONCE AGAIN, WE WILL GUARANTEE THAT EVERY APPLICANT WHO WANTS A SUMMER JOB RECEIVES ONE.

THE YEAR-ROUND YOUTH EMPLOYMENT PROGRAM INCLUDES AN INCREASE OF $3 MILLION FOR THE VERY IMPORTANT IN-SCHOOL PROGRAM COMPONENT THAT EXTENDS RELEVANT WORK EXPERIENCE TO MORE THAN 2,200 JUNIOR AND SENIOR HIGH SCHOOL STUDENTS WHILE THEY PURSUE THEIR STUDIES. TOGETHER WITH THE OTHER COMPONENTS OF THE YEAR-ROUND PROGRAM, WHICH FOCUSES ON OUT-OF-SCHOOL YOUTHS, ADULTS WITH DEPENDENTS, AND INDIVIDUALS NEEDING PREEMPLOYMENT TRAINING OR RETRAINING, A TOTAL OF NEARLY 6,500 YOUNG MEN AND WOMEN WILL BE SERVED.

EX-OFFENDERS REPRESENT ANOTHER SEGMENT OF THE COMMUNITY THAT NEED OUR SUPPORT. THEY DESERVE A DECENT CHANCE TO REJOIN OUR COMMUNITY AS PRODUCTIVE CITIZENS; THEREFORE, $1.2 MILLION IS REQUESTED TO FUND THE SPECIAL TEMPORARY EMPLOYMENT PROGRAM (STEP), WHICH WILL DRAW ON THIS SELECT LABOR POOL TO FILL BASIC SERVICE JOBS IN DISTRICT GOVERNMENT AGENCIES.

HOUSING

NO GOVERNMENT CAN BE TRULY SUCCESSFUL UNLESS IT HELPS TO MEET CITIZENS' NEEDS FOR DECENT, SAFE, AFFORDABLE HOUSING. THE FY 1987 BUDGET RECOMMENDATIONS AGGRESSIVELY ADDRESS THIS IMPORTANT NEED.

AS I INDICATED EARLIER, THE TENANT ASSISTANCE PROGRAM WILL BE INCREASED BY $10 MILLION, PROVIDING A TOTAL OF $15 MILLION FOR RENT SUPPLEMENT PAYMENTS

FOR ELIGIBLE LOW-INCOME TENANTS TO HELP THEM OBTAIN AFFORDABLE RENTAL UNITS MOREOVER, THE HOME PURCHASE ASSISTANCE PROGRAM WILL MORE THAN DOUBLE, WITH AN ADDITIONAL $3 MILLION IN FINANCIAL ASSISTANCE TO LOW-INCOME RESIDENTS SEEKING TO REALIZE THEIR DREAMS OF HOME OWNERSHIP.

A SIGNIFICANT HOUSING INITIATIVE PROPOSED IN THE FY 1987 BUDGET IS THE ESTABLISHMENT OF AN URBAN HOMESTEADING PROGRAM TO REHABILITATE DILAPIDATED, TAX-DELINQUENT PROPERTIES ACQUIRED BY THE DISTRICT AND SOLD AT LOW COST TO LOW- AND MODERATE-INCOME TENANT COOPERATIVES. FUNDING OF $2 MILLION WILL PROVIDE TRAINING AND ASSISTANCE TO THE COOPERATIVES IN REPAIRING, MAINTAINING, AND MANAGING ABOUT 200 RENTAL UNITS. TO STIMULATE AND LEVERAGE GREATER EFFORTS BY LOW- AND MODERATE-INCOME HOMEOWNERS TO REHABILITATE THEIR PROPERTIES, THE REHABILITATION LOAN PROGRAM WILL BE EXPANDED WITH AN INCREASE OF $400,000.

FURTHERMORE, WE ARE PROPOSING $448,000 TO INITIATE A SPECIAL RESIDENT MAINTENANCE PROGRAM IN OUR PUBLIC HOUSING DEVELOPMENTS. THIS WILL ALLOW RESIDENTS TO EXPERIENCE THE PRIDE OF LEARNING NEW SKILLS AND EARNING A PAYCHECK WHILE BETTERING THEIR OWN LIVING CONDITIONS AND IMPROVING THE QUALITY OF THE DISTRICT'S PUBLIC HOUSING STOCK.

IN ADDITION, WE PROPOSE TO LAUNCH A MASSIVE CAPITAL PROGRAM EFFORT, AUTHORIZING MORE THAN $190 MILLION OVER THE NEXT SIX YEARS TO REHABILITATE AND MODERNIZE PUBLIC HOUSING UNITS ACROSS THE CITY. OF THIS AMOUNT, $47.2 MILLION IS REQUESTED IN THE FY 1987 CAPITAL BUDGET. MODERNIZATION OF THE ARTHUR CAPPER APARTMENT COMPLEX AND THE EASTGATE GARDENS DEVELOPMENT IN SOUTHEAST WASHINGTON WILL KICK OFF THIS EFFORT, WITH ALMOST $22.5 MILLION IN PROJECT AUTHORITY REQUESTED IN THE FY 1987 BUDGET. A TOTAL OF $7.5 MILLION IS REQUESTED IN FY 1987 AUTHORITY FOR A VARIETY OF PROJECTS TO REPAIR VACANT UNITS AND PROVIDE GENERAL MAINTENANCE AND OTHER IMPROVEMENTS. AN ADDITIONAL $5 MILLION IN

REQUESTED AUTHORITY WILL BE USED TO PURCHASE AND RENOVATE PRIVATELY HELD VACANT OR DETERIORATED HOUSING.

PUBLIC EDUCATION

THERE IS NO MORE IMPORTANT EDUCATIONAL OPERATION THAN THE LOCAL SCHOOL SYSTEM. WE ARE CONTINUING OUR COMMITMENT TO THE EDUCATION OF OUR YOUTH IN FY 1987 WITH A RECOMMENDED BUDGET OF $393.8 MILLION FOR THE PUBLIC SCHOOL SYSTEM. THIS IS A TOTAL INCREASE OF $33.6 MILLION, WHICH INCLUDES $25.6 MILLION FOR OPERATING PROGRAMS AND $8 MILLION TO FINANCE PAY-AS-YOU-GO CAPITAL PROJECTS FOR PREVENTIVE MAINTENANCE IMPROVEMENTS AND EMERGENCY REPAIRS AT VARIOUS SCHOOLS.

I BELIEVE THAT THE OPERATING BUDGET REQUEST FOR THE PUBLIC SCHOOLS WILL SUSTAIN THE EXCELLENT EDUCATIONAL PROGRESS MADE IN RECENT YEARS BY THE BOARD AND SUPERINTENDENT MCKENZIE. I AM EXTREMELY CONCERNED, HOWEVER, OVER THE CONDITION OF MANY OF OUR SCHOOL BUILDINGS, AND FOR FY 1987, WITH THE SUPPORT OF THE COUNCIL, WE ARE PROPOSING A MAJOR CAMPAIGN TO MAKE OUR SCHOOL BUILDINGS SAFE, CLEAN, AND CONDUCIVE TO LEARNING. MY GOAL IS TO CORRECT EVERY LEAKING ROOF, REPLACE EVERY BROKEN WINDOW, UPDATE EVERY ANTIQUATED BOILER PLANT, MODERNIZE EVERY OUTMODED CLASSROOM FACILITY, AND REPAIR WHATEVER NEEDS REPAIRING.

TO ACCOMPLISH THIS OBJECTIVE, I HAVE MOVED FORWARD WITH A TWO-PART PLAN. FIRST, I INCREASED THE BOARD'S INITIAL CAPITAL BUDGET REQUEST FROM $34 MILLION TO $58 MILLION TO CARRY OUT MY RECOMMENDED SCHOOL BUILDING IMPROVEMENT PROGRAM, AND WITH THE SUPPORT OF THE COUNCIL ADDED ANOTHER $11 MILLION. SECOND, IN COOPERATION WITH THE BOARD OF EDUCATION, I HAVE ESTABLISHED A JOINT PUBLIC SCHOOLS-DEPARTMENT OF PUBLIC WORKS TASK FORCE TO SET SPECIFIC PROJECT AND BUILDING PRIORITIES. TO ENSURE THAT THE REPAIRS AND IMPROVEMENTS I AM PROPOSING ACTUALLY ARE MADE, I HAVE ESTABLISHED A MONITORING UNIT IN THE

DEPARTMENT OF PUBLIC WORKS TO ASSIST THE BOARD OF EDUCATION IN EXPEDITING THIS WORK.

HUMAN SUPPORT NEEDS

THE HUMAN SUPPORT NEEDS OF THIS CITY'S DIVERSE POPULATION IS A HIGH PRIORITY OF THIS GOVERNMENT.

IN ADDRESSING AN EXTREMELY SERIOUS HEALTH CONCERN, ONE THAT HAS ALMOST REACHED A CRISIS LEVEL, WE HAVE RESPONDED VIGOROUSLY TO THE PUBLIC HEALTH THREAT POSED BY THE ACQUIRED IMMUNE DEFICIENCY SYNDROME, THE FEARED DISEASE KNOWN AS AIDS. FOR FY 1987, WE ARE RECOMMENDING TOTAL SPENDING OF $1.9 MILLION FOR PROGRAMS TO COMBAT AIDS, CONCENTRATING ON EDUCATION AND PREVENTION ACTIVITIES, IN-HOME SUPPORT SERVICES, GROUP-LIVING FACILITIES, AND MENTAL HEALTH SERVICES FOR VICTIMS AND THEIR FAMILIES.

IN ADDITION, A 4 PERCENT INCREASE IN PAYMENTS TO 21,300 AFDC FAMILIES IS REQUESTED, ALONG WITH AN EXTENSION OF SUPPLEMENTAL SECURITY INCOME STIPENDS TO ANOTHER 800 NEEDY CITIZENS TO ASSIST A TOTAL OF MORE THAN 16,000 OLD-AGE, BLIND, AND PERMANENTLY DISABLED RESIDENTS.

TO ADDRESS THE PLIGHT OF THE HOMELESS IN OUR COMMUNITY, AN INCREASE OF $1.9 MILLION IS REQUESTED TO PROVIDE 55 MORE BEDS A NIGHT, PROVIDE GREATER MENTAL HEALTH SERVICES, AND PROVIDE AN ADDITIONAL 600 EMERGENCY ASSISTANCE GRANTS TO THOSE IN NEED. THE 55 BEDS WILL BRING THE TOTAL TO OVER 1,000 BEDS AVAILABLE NIGHTLY, WITH ADDITIONAL BEDS BEING PROVIDED AS NEEDED THROUGH SERVICE PROVIDERS.

THIS BUDGET REQUEST ALSO PROPOSES A MULTIAGENCY $2.4 MILLION LATINO INITIATIVE IN FY 1987 TO EXPAND SERVICES FOR THE CITY'S GROWING LATINO POPULATION. THIS SPECIAL INITIATIVE WILL FUND A WIDE RANGE OF BILINGUAL-BICULTURAL SERVICES, INCLUDING SOCIAL, HEALTH, DAY-CARE, AND RECREATIONAL SERVICES; ESTABLISH A BILINGUAL BUSINESS AND ECONOMIC DEVELOPMENT ASSISTANCE AND INFORMATION CENTER; AND ESTABLISH A LATINO EMPLOYMENT SERVICES CENTER TO PROVIDE JOB COUNSELING AND EMPLOYMENT SERVICES IN THE HEART OF THE LATINO COMMUNITY. THE INITIATIVE WILL ALSO ENSURE 24-HOUR BILINGUAL EMERGENCY RESPONSE SERVICE; PROVIDE A LATINO DATA BANK FOR FUTURE PROGRAM PLANNING; AND DEVELOP A COMPREHENSIVE BILINGUAL PUBLIC EDUCATION PROGRAM FOCUSING ON BASIC LITERACY. THESE PROPOSED PROGRAMS AND OTHER EFFORTS WILL PROMOTE THE SELF-SUFFICIENCY OF LATINO RESIDENTS AND HELP INTEGRATE THEM INTO THE MAINSTREAM OF CITY LIFE.

WE OWE A GREAT DEBT TO OUR SENIOR CITIZENS, AND EACH YEAR THAT I HAVE BEEN IN OFFICE, I HAVE PROPOSED MAJOR EXPANSIONS IN SERVICES TO THE AGED. I AM PLEASED TO REPORT THAT, WITH THE SUPPORT OF THE COUNCIL, FY 1987 WILL BE NO EXCEPTION. AN INCREASE OF $2.7 MILLION IS REQUESTED TO PROVIDE IN-HOME HEALTH CARE AND SUPPORT SERVICES FOR THE HOME-BOUND ELDERLY; FUND OPERATING EXPENSES FOR TWO NEW MULTIPURPOSE SENIOR CENTERS; AND ADD FIVE NEW GROUP-MEAL SITES, MAKING A TOTAL OF 80 SUCH SITES ACROSS THE DISTRICT. NEARLY $1 MILLION IN CAPITAL AUTHORITY IS RECOMMENDED TO BUILD A SENIOR CITIZENS CENTER IN THE H STREET, N.E., CORRIDOR OF THE CITY.

RELIABLE, FIRST-RATE, DAY-CARE SERVICE IS AN ESSENTIAL ASPECT OF OUR GOAL TO MOVE PEOPLE FROM DEPENDENCY TO SELF-SUFFICIENCY THROUGH JOB TRAINING AND EMPLOYMENT PROGRAMS. TO EXPAND OUR DAY-CARE SERVICES, SUBSIDY FUNDING FOR APPROXIMATELY 6,739 DAY-CARE SLOTS IS PROPOSED. THIS IS AN INCREASE OF 227 NEW SLOTS, OF WHICH 122 WILL BE RESERVED FOR CHILDREN OF MOTHERS IN THE AFDC JOB TRAINING PROGRAM, AND 105 WILL BE ALLOCATED TO FAMILY DAY-CARE HOMES IN THE LATINO COMMUNITY.

PUBLIC SAFETY

IN THE PUBLIC SAFETY AREA, THE FY 1987 BUDGET REFLECTS THE FUNDING NEEDS OF THE DISTRICT'S POLICE, FIRE, CORRECTIONS, AND COURTS AGENCIES.

FUNDING IS INCLUDED TO ESTABLISH A POLICE CADET PROGRAM AND A FIRE CADET PROGRAM IN THE RESPECTIVE AGENCIES. THESE PROGRAMS WILL ENABLE YOUNG MEN AND WOMEN IN THIS COMMUNITY TO PURSUE CAREER OPPORTUNITIES IN PUBLIC SAFETY.

THE PROPOSED BUDGET FOR THE POLICE DEPARTMENT WILL BEGIN TO CIVILIANIZE THE COMMUNICATIONS DIVISION, ESPECIALLY THE 911 SYSTEM, WHICH WILL MAKE MORE POLICE OFFICERS AVAILABLE FOR STREET DUTY; PROVIDE ADDITIONAL FOOT PATROL OFFICERS IN HIGH CRIME AREAS; AND PROVIDE ADEQUATE FUNDING FOR REPLENISHING THE UNIFORM CLOTHING AND EQUIPMENT INVENTORY AND REPLACING THE DEPARTMENT'S WORN-OUT MOTOR VEHICLES.

THE PROPOSED BUDGET FOR THE FIRE DEPARTMENT PROVIDES SUFFICIENT STAFFING TO OPERATE THE EMERGENCY AMBULANCE DIVISION 24 HOURS A DAY, SEVEN DAYS A WEEK; FULLY FUND THE AUTHORIZED STAFFING COMPLEMENT OF FIRE FIGHTERS IN ORDER TO REDUCE SIGNIFICANT OVERTIME COSTS; AND INCREASE THE STAFF OF THE HAZARDOUS MATERIALS UNIT TO PROVIDE HIGHLY TRAINED PERSONNEL AND SOPHISTICATED EQUIPMENT TO CONTAIN THE ACCIDENTAL RELEASE OF GAS, OIL, RADIOACTIVITY, AND CAUSTIC MATERIALS.

THE BUDGET FOR THE DEPARTMENT OF CORRECTIONS CONTINUES TO BE DRIVEN BY THE COURT ORDER TO RELIEVE OVERCROWDING. THE BUDGET HAS RISEN FROM $52 MILLION IN FY 1979, THE FIRST YEAR OF MY ADMINISTRATION, TO A PROPOSED $148 MILLION IN FY 1987, AN INCREASE OF 185 PERCENT IN JUST EIGHT YEARS. THIS REPRESENTS ONE OF THE FASTEST GROWING MAJOR OPERATING AGENCIES IN OUR BUDGET.

WITH RESPECT TO THE NEW PRISON, I HAVE AGREED TO CONSIDER THE CONSTRUCTION OF

A NEW PRISON WITHIN THE DISTRICT WITH ADDITIONAL FEDERAL FUNDS. HOWEVER, I MUST EMPHASIZE AGAIN THAT THE EARMARKING OF THE FY 1987 FEDERAL PAYMENT FOR THIS PROGRAM INITIATIVE IS A PRECEDENT THAT IS FISCALLY AND ADMINISTRATIVELY UNSOUND, ESPECIALLY AS THE FUNDS FOR THE PRISON WERE APPROPRIATED IN FY 1986 WITH AN ADVANCED APPROPRIATION OF $20.0 MILLION IN FY 1987. MOREOVER, BECAUSE OMB FAILED TO INCLUDE THE OUTLAY OF THE $20 MILLION IN THE PRESIDENT'S BUDGET, THE DISTRICT IS NOW BEING FORCED TO REDUCE THE FEDERAL PAYMENT BY THE $20 MILLION THAT IT ANTICIPATES RECEIVING FOR THE PRISON FACILITY. AS I INDICATED EARLIER, THE DISTRICT SHOULD NOT BE HELD HOSTAGE TO A MISTAKE MADE BY OMB.

LET ME POINT OUT THAT THIS PROPOSED BUDGET DOES NOT INCLUDE FUNDS FOR THE CONTINUATION OF THE SPECIAL EDUCATION AND VOCATIONAL PROGRAMS AT THE LORTON FACILITY THAT HAVE BEEN IMPLEMENTED WITH SPECIAL FEDERAL CONTRIBUTIONS. IT IS OUR INTENTION TO REQUEST ADDITIONAL FEDERAL SUPPORT FOR THE CONTINUATION OF THESE PROGRAMS IN FY 1987, ALTHOUGH THE FINAL AMOUNT AND CONTENT ARE STILL UNDER INTERNAL DISCUSSION.

IN THE CASE OF THE BUDGETS FOR THE THREE COURTS, FY 1987 MARKS THE FIRST TIME THAT I CAN REMEMBER THAT THE JUDGES AND I CAME TO AN AGREEMENT ON A FUNDING LEVEL FOR ALL THREE COURTS THAT WENT FORWARD TO THE COUNCIL.

AS YOU KNOW, WE ARE REQUIRED BY LAW TO SUBMIT OUR BUDGET RECOMMENDATION ALONG WITH THE COURT'S BUDGET REQUEST. HOWEVER, THE COUNCIL REDUCED THE SUPERIOR COURT'S BUDGET SLIGHTLY BY $153,000. NEVERTHELESS, THE BUDGETS FOR ALL THREE COURTS BASICALLY REFLECT A FUNDING LEVEL THAT WE HAVE AGREED TO. THIS HAS NOT BEEN THE CASE IN THE PAST, AND THE JUDGES HAVE HAD TO COME FORWARD TO ASK FOR THE DIFFERENCE BETWEEN THEIR REQUEST AND OUR RECOMMENDATION.

PUBLIC WORKS

AN AREA OF TOP PRIORITY TO ME--AS IS EDUCATION, HOUSING, JOBS, HUMAN SUPPORT NEEDS, AND PUBLIC SAFETY--IS THE MAINTENANCE OF THE DISTRICT'S PHYSICAL INFRASTRUCTURE. THE FY 1987 OPERATING BUDGET OF THE DEPARTMENT OF PUBLIC WORKS INCLUDES AN INCREASE OF OVER $8 MILLION TO MEET SUCH INFRASTRUCTURE NEEDS AS SIDEWALK MAINTENANCE, BRIDGE MAINTENANCE, CURB REPAIR, STREET CLEANING, POTHOLE REPAIR, TREE TRIMMING, AND TREE REMOVAL. THE CAPITAL BUDGET REQUEST OF $74 MILLION CONTINUES THIS EFFORT WITH CAPITAL AUTHORITY REQUESTED FOR STREET RESURFACING, HIGHWAY RESURFACING, BRIDGE REPLACEMENT, AND ROADWAY RECONSTRUCTION.

THE INCREASE IN THE WMATA BUDGET WILL PROVIDE $2.2 MILLION IN ADDITIONAL FUNDS FOR THE BUS OPERATION.

SUMMARY

I AM GLAD TO HAVE THIS OPPORTUNITY TO SHARE WITH YOU THIS GENERALLY POSITIVE VIEW OF THE STATE OF THE DISTRICT'S FINANCES AND THE FUNDING PRIORITIES OF THE FY 1987 BUDGET. HOWEVER, I CANNOT CLOSE WITHOUT EXPRESSING MY CONCERN ABOUT OUTSTANDING ISSUES THAT REMAIN UNRESOLVED.

ONE SUCH ISSUE IS THE FORMULA-BASED FEDERAL PAYMENT. WE PROPOSED MORE THAN TWO YEARS AGO A FORMULA THAT WOULD SET THE PAYMENT AT 35 PERCENT OF THE SECOND PRECEDING YEAR'S AUDITED LOCAL TAX REVENUE. THOUGH THE PRESIDENT'S FY 1985 BUDGET SUPPORTED IN PRINCIPLE A FORMULA PAYMENT, WE HAVE YET TO RECEIVE AN OFFICIAL COMMUNICATION OR RESPONSE FROM THE ADMINISTRATION ON OUR PROPOSED FORMULA.

IN LIGHT OF THE ADMINISTRATION'S APPARENT RELUCTANCE TO MOVE FORWARD ON THIS ISSUE, IT IS MY INTENTION TO SEEK THE ASSISTANCE OF THE CONGRESS IN ESTABLISHING A FORMULA-BASED PAYMENT. WE ARE WILLING TO WORK WITH THE CONGRESS ON THE

DEVELOPMENT OF A MUTUALLY ACCEPTABLE AND REASONABLE ALTERNATIVE FORMULA. I HOPE THAT THIS COMMITTEE WILL WORK WITH US ON THIS INITIATIVE.

THE SECOND IS THE REPAYMENT OF THE GENERAL FUND DEFICIT. BECAUSE OF THE SEVERITY OF THE PROBLEM, AS WELL AS ITS HAVING MULTIPLE CAUSES, I PROPOSED A COMPREHENSIVE DEFICIT-REDUCTION PLAN IN FY 1983 THAT WOULD INVOLVE BOTH THE DISTRICT AND THE FEDERAL GOVERNMENTS. THE PLAN CALLED FOR THE DISTRICT TO ELIMINATE ONE-THIRD OF THE DEFICIT THROUGH BUDGETARY MEANS, ANOTHER THIRD THROUGH A SPECIAL FEDERAL PAYMENT MATCHING THE DISTRICT'S EFFORTS, AND THE REMAINING THIRD THROUGH THE ISSUANCE OF SPECIFIC DEFICIT-REDUCTION BONDS BY THE DISTRICT.

THE STEADY DECLINE IN THE DEFICIT IS THE RESULT OF UNILATERAL ACTIONS TAKEN BY THE DISTRICT TO PLAN AND ACHIEVE AN EXCESS OF REVENUES OVER EXPENDITURES DURING EACH OF THE PAST FIVE YEARS. IN ORDER TO REALIZE THE SECOND AND THIRD OBJECTIVES OF THE PLAN, APPROVAL OF THE RELEVANT LEGISLATION REMAINS A HIGH PRIORITY OF THE DISTRICT'S LEGISLATIVE AGENDA.

THIS LEGISLATION HAS SPECIAL SIGNIFICANCE, GIVEN THE IMPACT OF GRAMM-RUDMAN-HOLLINGS ON BOTH OUR FEDERAL PAYMENT AND OUR FEDERAL GRANTS. IT IS ANTICIPATED THAT OUR FEDERAL PAYMENT FUNDS COULD BE CUT BY $45 MILLION AND OUR FEDERAL GRANTS BY AS MUCH AS $18 MILLION IN FY 1987. FEDERAL GRANT REDUCTIONS INCLUDE THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, EMPLOYMENT TRAINING AND ASSISTANCE, NUTRITION, AND IMPACT AID.

THE THIRD AND FOURTH OUTSTANDING ISSUES ARE THE TWO PROPOSALS RECOMMENDED BY OMB THAT ARE INCLUDED IN THE PRESIDENT'S FY 1987 BUDGET. ONE IS THE REQUIREMENT THAT THE DISTRICT PAY THE EMPLOYER'S SHARE OF HEALTH BENEFIT PREMIUMS OF DISTRICT ANNUITANTS. I STRONGLY OBJECT TO THIS BECAUSE THE DISTRICT SHOULD NOT HAVE TO PAY THE COSTS OF A HEALTH BENEFIT PLAN THAT IT

NEITHER DESIGNED NOR REQUESTED. MOREOVER, MANY OF THE ANNUITANTS WHO RETIRED AT THE TIME OF HOME RULE SHOULD BE CONSIDERED FEDERAL EMPLOYEES, AS WELL AS THOSE EMPLOYEES ON THE PAYROLL AT THE TIME OF HOME RULE BUT WHO SUBSEQUENTLY RETIRED. THEREFORE, THE COST OF THESE HEALTH BENEFIT PREMIUMS SHOULD BE THE RESPONSIBILITY OF THE FEDERAL GOVERNMENT.

THE ESTIMATE BY OMB IS THAT THIS WOULD COST $6 MILLION IN FY 1987, WHICH, INCIDENTALLY, IS NOT INCLUDED IN OUR FY 1987 BUDGET

THE SECOND PROPOSAL BY OMB IS THAT THE DISTRICT BEGIN TO PAY ALL THE NET NORMAL COSTS OF EMPLOYEES PARTICIPATING IN THE CIVIL SERVICE RETIREMENT SYSTEM, ADDING 4 PERCENTAGE POINTS IN FY 1987 TO OUR CURRENT CONTRIBUTION RATE AND 2 PERCENTAGE POINTS EACH YEAR THEREAFTER FOR THE NEXT FOUR YEARS. THIS WOULD COST THE DISTRICT ABOUT $28 MILLION IN FY 1987, AN AMOUNT THAT ALSO IS NOT INCLUDED IN OUR FY 1987 BUDGET. THE DISTRICT SHOULD BE ALLOWED TIME TO PROPERLY PLAN RETIREMENT FINANCING IN ORDER TO PROVIDE FOR A SMOOTH AND EQUITABLE TRANSITION. WE ARE GOING TO OPPOSE ANY LEGISLATION ON THESE TWO PROPOSALS UNTIL THE DISTRICT HAS AMPLE TIME TO PERFORM THE RESEARCH AND IDENTIFY THE NECESSARY FUNDING, AND HAS ASSURANCES FROM THE CONGRESS THAT IT WILL ASSIST IN FUNDING THE FEDERAL EMPLOYEES WHO RETIRED AND WERE ON BOARD AT THE TIME OF HOME RULE.

LET ME SAY THAT WE MUST RESOLVE THE OUTSTANDING ISSUES OF FEDERAL-LOCAL FISCAL RELATIONS AND MOVE FORWARD TOGETHER TO EVEN MORE RESPONSIBLE FINANCIAL MANAGEMENT. I AM PROUD OF THE DISTRICT'S OUTSTANDING RECORD OF FINANCIAL ACCOMPLISHMENT.

THE FY 1987 BUDGET IS A BUDGET THAT SERVES THE PEOPLE AND KEEPS FAITH WITH THEIR TRUST IN MY ADMINISTRATION. IT IS THE AGENDA FOR ACHIEVEMENT OF THESE GOALS. I AM GLAD TO HAVE HAD THE OPPORTUNITY TO SHARE IT WITH YOU TODAY.

OPENING STATEMENT OF MAYOR BARRY

Mayor BARRY. Mr. Chairman, members of the committee, it is a pleasure to appear today to present the District of Columbia's fiscal year 1987 budget, and to share with you the philosophy, which I think is very important, and goals on which this budget is based.

When I submitted the fiscal year 1987 budget to the Council, I stated that it was a budget to serve the people of the District and to keep faith with their trust in my administration's stewardship of our young government.

This is a budget that is for and about people. It continues our emphasis on community partnerships to achieve common goals.

Mr. Chairman, we are also proud that as you look around our city, you can see tangible results everywhere. I happen to agree with you that the Nation's Capital ought to be the model city.

Mr. Chairman, as you probably know, most foreign governments have strong central governments and their capitals are generally representative of the philosophy and attitudes of the national government itself, whereas in this country, as you know, we are rather decentralized into States.

On the other hand, people do not understand that we are a local government in the sense of managing our own affairs. It is important that we make Washington the finest capital of any in the world, both the free world and non-free world.

So we are very proud of our new office buildings, our industrial parks, our shopping and service establishments, and our leisure time activities. The signs are unmistakable. The District of Columbia is on the go.

As you said, you are a resident here in Georgetown. You see that Georgetown is a victim of its own success in the sense that there are more people coming to Georgetown than some people want, because it is a hustling and bustling community. We hope to have a park down there some time fairly soon.

ACHIEVING FISCAL RESPONSIBILITY

Mr. Chairman, also, we have worked hard to achieve fiscal responsibility. Fiscal year 1985 marked the fifth consecutive year of balanced budgets under the most stringent possible accounting standards.

These are not my numbers; these are numbers that were arrived at by a reputable accounting firm, independent of the D.C. government. Coopers and Lybrand is our accounting firm.

Also, Mr. Chairman, we have reduced the deficit by $132.9 million since we identified it in 1980. In fiscal year 1986, we will again, for the sixth consecutive year, balance our budget. I think few other cities or States, many of which continue to face financial hardships, can boast such a successful record.

As you know, I am the chief bookkeeper for all of the D.C. government, and every agency understands that they have to balance their budget. They have done so. In fact, we had a revenue overage. We met the mark of reducing the general fund deficit by over $20 million in fiscal year 1985.

GRAMM-RUDMAN-HOLLINGS REDUCTIONS

We intend to be vigorous in trying to meet the same mark in fiscal year 1986, although we are concerned about the Gramm-Rudman-Hollings cut which has affected us in the sense that the administration has requested a $16.7 million reduction.

We hope to work with you to develop a different accounting system that will allow us to separate out the user charges and the retirement fund from the Federal payment. As you know, when we had the $16.7 million reduction in our Federal appropriation, about $900,000 of that was for water bills.

Now, we are going to absorb that, but we do not think we ought to. We think the Federal Government ought to pay its water bill and its sewer bill as it does its utility bills to PEPCO and C&P and anyone else it purchases services from.

We will expect the Federal Government in the future to pay its utility bill, but, again, out of an effort to cooperate with this committee and an effort to cooperate with the Federal Government, those of us who pay for water and sewer services will have to absorb that $900,000 ourselves.

We do not like it, but, again, I am a prudent and practical mayor. Therefore, even though I would like to argue about that kind of money, it is not worth the negatives that would come from it if we were to try to cut off the water and sewer at the White House or some other Federal buildings.

But we want to point out for the record we think it is unfair, though, that Gramm-Rudman-Hollings should affect user charges which are legitimate charges that are given. Water and sewer services are not free.

INCREASE IN FEDERAL PAYMENT

Also, Mr. Chairman, as you know, we have a little debate about our Federal payment increase. We met in December 1986 with Carol Crawford over at the Office of Management and Budget, and we were assured of a $19.5 million increase being supported by the President.

The President's February 5 budget reiterated that support, but somehow between February 5 and now, OMB is indicating that that Federal payment should be used to cover the $20 million appropriated in fiscal year 1986 for our prison building program.

We would hope that this committee would look at that very carefully and support our position that the original $20 million for fiscal year 1987 was above and beyond the $20 million for the prison facility.

As you know, we have drawn down $9 million of the $10 million for fiscal year 1986 to begin the architectural drawings for our treatment center, as well as the 400 modulars at Lorton. This is a subject that I met with Jim Miller about and we hope that this committee can help us to clarify the issue that the $20 million was appropriated for the prison facility in fiscal year 1986 and is separate from the $19.5 million increase in the Federal payment recommended by the President.

We think it ought to be above and beyond the $19.5 million promised us in December by the Reagan administration. We would like to ensure that $20 million remain for the prison facility, at the same time allowing us the $444.5 million for our Federal payment for 1987.

EDUCATIONAL AND VOCATIONAL PROGRAMS

Also, Mr. Chairman, at some point I would like to ask if you would allow Ms. Washington to come and talk about educational and vocational programs after Mr. Clarke finishes and other questions.

You have been a strong supporter of our efforts to rehabilitate residents who are incarcerated, not only locally; you have done that nationally. We happen to agree that even though some of these young people have committed some very serious crimes and have done some things that are hideous, such as the Fuller murder case and others, that at some point or another they are coming back into our community and there needs to be a strong emphasis on rehabilitation and education.

It is not enough to just warehouse prisoners and then let them out into our community. On the other side of the coin, Mr. Chairman, let me point out, though, regardless of how successful our education program may be, regardless of how many people we graduate with some degree of skills, unless we get the business community to hire ex-convicts, all of our work will be in vain.

There are a number of businesses in this town that just will not hire people who have been incarcerated even though they have paid their debt to society, and even though they come forward with skills that they can use.

Now, I can understand why a bank would not hire an ex-bank robber. That makes a lot of sense. You do not want an ex-bank robber working in a bank. But I cannot understand why a construction company will not hire someone who can do plumbing or concrete work, or someone who knows how to do electrical work, or that a computer company will not hire someone who knows how to repair computers or run computers.

So we would like to ask your continued support in our area of education. Let me give you a few highlights and Ms. Washington, if you will allow her to come forward later, can give you some more specifics.

TRUANCY PROGRAM

Senator SPECTER. Mayor, we would be pleased to hear from Ms. Washington, and I would be very much interested to know about the educational program generally, and particularly as to how the program has functioned on the extra appropriation we have devoted to the truancy issue.

You and I visited one of the schools not too long ago and I have a particular interest in seeing how that initiative has worked out.

Mayor BARRY. Mr. Chairman, I think that the School Board would probably be better able to articulate about the truancy program.

Senator SPECTER. Fine. All right, we would be pleased to hear from them.

EDUCATIONAL/VOCATIONAL PROGRAM

Mayor BARRY. I have been following it, but I do not know all the specifics. Let me just give you a few highlights of our education program at the Department of Corrections.

Since 1984, we have administered some 5,904 adult basic education tests to see what their basic skill levels are. Also, the general aptitude test, which is a battery of vocational aptitude tests, has been administered to 138 inmates.

A total of 714 inmates have taken the GED. A total of 461 received passing scores.

Senator SPECTER. Mr. Mayor, you are now on the educational program at Lorton?

Mayor BARRY. Yes.

Senator SPECTER. Fine.

Mayor BARRY. A total of 461 received passing scores. This represents a 66-percent passing rate. Academic enrollment at all facilities as of May 1986 was 2,400. It was 1,006 in 1983.

Senator SPECTER. Mr. Mayor, do you know out of how many people who could have been on the program this figure of 2,400 represents?

Mayor BARRY. Mr. Chairman, let me, if you do not mind, ask Ms. Washington to get into this. Do you want to wait until we finish and then——

Senator SPECTER. Sure, OK, fine.

Mayor BARRY. When I finish my other statement, then she can come up after Mr. Clarke finishes?

Senator SPECTER. All right.

CONTRACT AND PROCUREMENT SYSTEM

Mayor BARRY. Also, Mr Chairman, let me touch on another area that is very sensitive to me and the Congress, I am sure, and that is our contract and procurement system. We are committed to creating a model procurement system for the District, one that promotes competition and fosters local economic development by encouraging the growth and development of local minority and small businesses.

The unique nature of the District of Columbia limits our ability to promote local economic development. We must use effectively the few legitimate tools at our disposal to ensure local economic development and tax base broadening.

We think the District's own purchasing power is one of its strongest tools, and so we now have a law which I think is a model for the country. While there have been some highly publicized reports of problems, let me say, Mr. Chairman, that these are isolated incidents.

The great majority of our contracts are competitively bid. On the other hand, in the area of social services and human services, it is sometimes difficult to take price as the only factor in awarding a contract.

We want people who are sensitive to young people to take care of our youth and run our group homes. We want people who have some experience with young people who are difficult to manage.

So in some instances, we have to go out and look for people who are in that kind of business, ask them to come in and submit a proposal, and go through a proposal review period, before we make a decision.

But we also have a strong reporting system for competition. We have a strong reporting system for all contracts that are let, both competitive and noncompetitive.

Also, Mr. Chairman, I think one of the initiatives that I am sure you would agree makes a lot of sense is, there has to be some room in any procurement system for people with new ideas, people who say, look, I have an idea that I can take care of foster children better than somebody else can, and to submit an unsolicited proposal.

We ought to give that consideration; otherwise, you stifle new ideas, you stifle creativity, and you stifle people's ability to come in and say, let me try it this way on an experimental basis. If it works, we will try it; if it does not, we will try something else.

But we do have a strong central procurement agency, the Department of Administrative Services. We have a model computer system now that keeps track of all of our contracts. The Council is to be commended for passing such a law. Bill Spaulding, who was chair of the committee, worked very closely with us on that.

BUDGET REQUEST

Mr. Chairman, I will not go over all the numbers in the budget. You have them before you. I know I have been in a number of hearings; I would rather read than listen to a lot of numbers.

The proposed budget is $2,441,613,000. This represents an increase over fiscal year 1986 of $154 million. Of the total increase proposed, over $100 million is for mandated nondiscretionary costs.

For example, $55 million represents the third-year cost of the collective bargaining agreements, averaging 4 percent in fiscal year 1987, and the mandated cost of within-grade increases. Another $23 million is required to relieve overcrowding in our correctional facilities, as mandated by court orders.

A total of $10 million is required to fund the ever-increasing costs of St. Elizabeths Hospital, as required by our financial obligations under the St. Elizabeths Hospital and D.C. Mental Health Services Act of 1985.

Approximately $20 million is needed to meet the legislative requirements of currently enacted legislation such as the Tenant Assistance Program, the Civil Infractions Act, the Procurement Practices Act of 1985, and the Health Occupation Revision Act.

INCREASES FOR JOBS AND HOUSING PROGRAMS

Mr. Chairman, my budget is more thematic in terms of jobs and housing. We believe when people are working, they can take care of themselves. We are putting over 23,000 young people to work this summer—the second highest of any city in the Nation. We would rather have them working than standing on the street corner.

In fact, Mr. Chairman, we are spending more money locally for jobs for young people than the Federal Government. The Federal Government will fund approximately 9,000 of these 24,000 jobs. The rest will come from our local appropriation.

We want to thank you for your support of our initiative to guarantee a job for every young person who wants one this summer. Last year, 24,700 people applied for jobs and 24,700 people were referred to jobs that existed.

There was about a 10-percent fallout rate. Some of those went to summer school and some of those decided to do something else. But that is an unprecedented commitment of 24,700 jobs, and it is proving itself. Our schools are getting better; our young people are having a greater sense of self-worth and they are more involved with helping themselves as opposed to hurting others.

Housing is a serious problem. We have some problems, but we certainly have tried very hard to add money to our Tenant Assistance Program. Mr. Chairman, let me say that in 1986 we have $5 million in our budget for the Tenant Assistance Program. That will help about 1,000 people.

Already, we have received over 13,000 applications. Now, this demonstrates the serious problem of the need for a subsidy for low- to moderate-income persons. We had 13,000 people applying for about 1,000 slots.

We suspect the same will happen next year with our $15 million funded program. It will not be enough, but more than most local governments are doing.

COMMITMENT TO PUBLIC EDUCATION

Also, Mr. Chairman, we are committed to public education. Working closely with our School Board, we are going to do all we can to improve the physical condition of our school facilities, such as fixing roofs, air conditioners, windows, doors, et cetera. We intend to make conditions better for our young people.

I will summarize by saying I believe that under the circumstances, this government is in good hands. We have some distances to go. We have some complex problems to solve, but I am confident that we can do it with a lot of support from you and other Members of Congress and the support of the Council.

This is a relatively young government, as you know—11 years old—but we are up to the task of trying to take on these complex problems. We welcome any suggestions about how we can do it better and how we can do it more efficiently, but we are on our way to an even greater city.

POSITION ON NEW PRISON FACILITY

Finally, with respect to the new prison, as you know, I have taken a lot of political flak for that from members of the Council who have disagreed with me. I am still determined to do all I can to build this treatment facility. I have been deterred along the way by some citizens organizations, by some members of the Council, and by others.

But I think leadership demands that I keep my commitment that we need a treatment facility for those persons who have serious alcohol and drug abuse problems. We need it in the District of Columbia.

It is unfair for those who do not want it in the District to say put it at Lorton. Lorton has its share of our people already. I do not have the exact numbers, but there are almost 4,500 D.C. residents incarcerated in Lorton, and some 1,690 in the District of Columbia at the District jail.

More importantly, Mr. Chairman, if we build a facility in Washington, there is an economic generator because, as you know, our residency requirement allows those persons who work at Lorton not to have to live in the District of Columbia. However, if you work at the new treatment facility, you have to be a D.C. resident.

We will hire people from this city and we will give them jobs they now do not have. So we are determined to press forward, notwithstanding some disagreements on the Council and in the community. That is not unusual.

You gave the example once that I think the State legislature in Pennsylvania voted to build a new prison in New Jersey, and as of today, I guess, it has not been built.

Senator SPECTER. Mr. Mayor, they wanted to; they never quite got around to voting that way. They would have if they could have.

THANKS TO SENATOR SPECTER

Mayor BARRY. Again, Mr. Chairman, let me thank you for your understanding and your support of the District of Columbia. I know it is a very difficult task; in some instances, a thankless task, because usually the junior Senator gets our committee. You have just given it all you have and I really want to thank you.

I am sure the people of Pennsylvania know how hard you work for them, but also I——

Senator SPECTER. You may have to help me tell them, Mr. Mayor.

Mayor BARRY. I do not mind doing that.

Again, thank you, Mr. Chairman. I guess you would like for Mr. Clarke to make a statement.

Senator SPECTER. Yes; we will proceed next to Chairman Clarke. I called him Mr. President earlier because in Philadelphia the head of the city council is the president of the city council, so I correct myself now, Chairman Clarke, and we will hear from Ms. Washington later and I will have some questions for you, too, Mr. Mayor, but let us at this point turn to the distinguished chairman of the District of Columbia City Council, the Honorable David Clarke.

COUNCIL OF THE DISTRICT OF COLUMBIA

STATEMENT OF HON. DAVID A. CLARKE, CHAIRMAN

PREPARED STATEMENT

Mr. CLARKE. Thank you, Mr. Chairman. As with the Mayor, I would like to have my whole statement made a part of the record.

Senator SPECTER. Yes; without objection, it will be made a part of the record.

[The statement follows:]

Statement of David A. Clarke

MR. CHAIRMAN, AND OTHER DISTINGUISHED MEMBERS OF THIS SUBCOMMITTEE, I AM DAVID A. CLARKE, CHAIRMAN OF THE COUNCIL OF THE DISTRICT OF COLUMBIA. I AM HERE TODAY ON BEHALF OF THE COUNCIL TO TESTIFY ON THE DISTRICT OF COLUMBIA'S FISCAL YEAR 1987 BUDGET REQUEST AS ENACTED BY THE COUNCIL ON MARCH 18, 1986 AND SIGNED BY THE MAYOR ON MARCH 27, 1986.

THE BUDGET ENACTED BY THE COUNCIL TOTALS ALMOST $3 BILLION AUTHORITY. OF THIS AMOUNT, $2.4 BILLION IS ALLOCATED IN FISCAL YEAR 1987 TO THE DISTRICT'S GENERAL FUND, $311 MILLION TO CAPITAL OUTLAY WITHIN THE GENERAL FUND, AND $177 MILLION TO THE WATER AND SEWER ENTERPRISE FUND FOR OPERATIONS AND CAPITAL CONSTRUCTION. THE COUNCIL ALSO ALLOCATED $5 MILLION TO THE LOTTERY AND CHARITABLE GAMES CONTROL BOARD FOR ITS OPERATING NEEDS, AND CONTINUES TO SUPPORT A CABLE TELEVISION ENTERPRISE FUND WITH ESTIMATE REVENUES TOTALING $250,000 TO OVERSEE AND COORDINATE THE PROCESS OF BRINGING CABLE COMMUNICATIONS TO RESIDENTS OF THE NATION'S CAPITAL.

THE BUDGET WAS SUBMITTED BY THE MAYOR TO THE COUNCIL ON FEBRUARY 1, 1986 TO COINCIDE WITH THE SUBMISSION OF THE DISTRICT'S ANNUAL FINANCIAL REPORT. THE COUNCIL MOVED EXPEDITIOUSLY THROUGH THE REVIEW OF THE BUDGET DURING THE LIMITED 50-DAY PERIOD GRANTED TO IT FOR REVIEW BY THE HOME RULE ACT. THE COUNCIL INCORPORATED $32.0 MILLION IN LINE-ITEM DECREASES AND INCREASES, INCLUDING $8.7 MILLION BUDGETED TO FURTHER REDUCE THE ACCUMULATED GENERAL FUND DEFICIT. THIS CHANGE, WHICH SET ASIDE DISTRICT FUNDS TO REDUCE THE ACCUMULATED GENERAL FUND DEFICIT, MARKS THE 4TH STRAIGHT YEAR THE COUNCIL HAS AMENDED THE MAYOR'S PROPOSAL TO PROVIDE FOR THIS NEED. OTHER MAJOR CHANGES INCLUDE ADDING OVER $5 MILLION TO THE PUBLIC SCHOOLS BUDGET FOR THE OPERATION OF PROGRAMS AND THE SET ASIDE OF ANOTHER $8 MILLION

FOR PAY AS YOU GO CAPITAL PROJECTS IN THE SCHOOL SYSTEM TO FIX DETERIORATING BUILDINGS. IN A SIMILAR MOVE THE COUNCIL CHOSE TO SET ASIDE $2 MILLION FOR PAY AS YOU GO CAPITAL PROJECTS IN PUBLIC HOUSING. IT IS HOPED THAT IN ADDITION TO THE DEBT SERVICE SAVINGS CAUSED BY FUNDING CAPITAL PROJECTS WITH OPERATING FUNDS THE COUNCIL WILL CAUSE AN ACCELERATION OF THESE NEEDED REPAIRS AND THUS CAUSE REDUCED MAINTINANCE COSTS. IN OTHER RESPECTS, THE FISCAL YEAR 1987 BUDGET CONTINUES TO EMPHASIZE THE PRIORITIES THAT THE COUNCIL INSISTED ON IN THE CHANGES IT MADE TO THE MAYOR'S FISCAL YEAR 1984, 1985 AND 1986 BUDGETS. THE 1987 BUDGET ALLOCATES INCREASED PROGRAM RESOURCES FOR YOUTH, THE ELDERLY, THE DISABLED, THE SICK, THE INFIRM, THE MENTALLY ILL, THE UNEMPLOYED AND UNDEREMPLOYED, TENANT ASSISTANCE AND DRUG REHABILITATION PROGRAMS.

THE BUDGET ENACTED BY THE COUNCIL REFLECTS THE PRODUCT OF CONTINUING EFFORTS TO IMPROVE THE INFORMATION EXCHANGE BETWEEN THE EXECUTIVE AND LEGISLATIVE BRANCHES ON BUDGET AND FISCAL MATTERS. SINCE THE APPROVAL OF THE FISCAL YEAR 1984 BUDGET, THE COUNCIL HAS BECOME ACCUSTOMED TO REQUESTING AND RECEIVING DETAILED FINANCIAL DATA FROM THE EXECUTIVE BRANCH OF GOVERNMENT. DURING THE PAST FOUR YEARS, THE COUNCIL HAS EXPANDED ITS CAPACITY TO ASSIMILATE, ANALYZE AND QUANTIFY LARGE AMOUNTS OF DATA. THIS YEAR, IN REVIEW OF THE MAYOR'S FISCAL YEAR 1987 BUDGET REQUEST, THE COUNCIL REQUESTED AND RECEIVED DATA TAPES FROM THE DISTRICT'S FINANCIAL MANAGEMENT SYSTEM (FMS). WITH THIS DATA THE COUNCIL EXPANDED ITS INFORMATION BASE AND CONDUCTED ANALYSES IN SUPPORT OF THE COUNCIL'S BUDGET REVIEW PROCESS. THE COUNCIL NOW HAS AN EXTENSIVE BUDGET AND EXPENDITURE DATA BASE SPANNING NEARLY FIVE FISCAL YEARS AT THE LEVEL OF CONTROL CENTER AND OBJECT CLASS. THIS DATA IS UP-DATED QUARTERLY.

IN ADDITION TO HEAVY USE OF COMPUTER SYSTEMS FOR BUDGETARY

REVIEW, THE COUNCIL SOUGHT IN THE 1987 BUDGET BUDGET SUBMISSION INCREASED EXPLANATIONS OF ENERGY COSTS, EMPLOYMENT LEVELS AND PROGRAM MEASURES. BUDGET JUSTIFICATIONS CONTAINED COMPREHENSIVE DISCUSSIONS ON ATTRITION RATES, POSITION ALLOCATIONS, AND THE DISTRIBUTION OF EMPLOYEE SALARIES.

THE EXPANDED INFORMATION AT THE DISPOSAL OF THE COUNCIL -- AND OUR ABILITY TO USE IT ANALYTICALLY -- FACILITATES OUR UNDERSTANDING OF FINANCIAL AND BUDGETARY ISSUES DURING THE LIMITED 50-DAYS WE HAVE TO REVIEW AND APPROVE AN ANNUAL BUDGET REQUEST. THESE GAINS IN ACCESS, UNDERSTANDING AND USE OF INFORMATION HAVE GREATLY FACILITATED THE DECISION MAKING PROCESS AND WILL ULTIMATELY BENEFIT THE CITIZENS OF THE DISTRICT OF COLUMBIA.

THE ENTIRE BUDGET PROCESS WAS UNDERTAKEN WITHIN THE CONTEXT OF GREAT UNCERTAINTY HOWEVER DUE TO THE POTENTIAL REDUCTIONS STEMMING FROM FEDERAL BUDGET REDUCTIONS CAUSED BY EITHER SPECIFIC PROGRAM CHANGES OR THE AUTOMATIC CUTS OF GRAMM-RUDMAN-HOLLINGS. CONSERVATIVE ESTIMATES OF REDUCTIONS CAUSED BY EITHER ARE IN THE NEIGHBORHOOD OF $40 MILLION AND UNLIKE OTHER CITIES -- WHERE LOSSES MAY BE REPLACED BY STATE RESOURCES -- THE DISTRICT HAS NO STATE CAPITAL TO TURN TO. WE ARE A STATE, COUNTY AND LOCAL GOVERNMENT AND AS SUCH, MAY BE HURT MORE THAN OTHER URBAN COMMUNITIES WHO CAN LOOK TO OTHER SOURCES FOR RELIEF. MOREOVER, SPENDING IN SEVERAL MANDATED PROGRAMS AREAS SUCH AS PENSIONS, THE CORRECTIONAL SYSTEM, SUBSIDIES TO THE D. C. GENERAL AND ST. ELIZABETH'S HOSPITALS, AND DEBT SERVICE CONTINUE TO ESCALATE AND REQUIRE THAT PROGRAM EXPANSIONS AND NEW INITIATIVES MUST BE RESTRAINED DESPITE AN IMPROVED LOCAL ECONOMIC FORECAST.

THUS WHILE THE BUDGET PROVIDES PROGRAM INCREASES TARGETED TO PEOPLE IN NEED INCLUDING INCREASED RESOURCES FOR ADULT

PROTECTIVE CARE, FOSTER CARE, DAY CARE, EDUCATION, THE HOMELESS AND IT PROVIDES FOR GROWTH IN HOME PURCHASE ASSISTANCE PROGRAMS AND IN REHABILITATION FINANCING IT DOES NOT EXPLICITLY ANTICIPATE THE DIFFICULTIES WHICH MAY BEFALL THE DISTRICT THROUGH FEDERAL CHANGES.

A FURTHER COMPLICATION REVOLVES AROUND THE FEDERAL PAYMENT WHICH, AS YOU HAVE ALREADY NOTED MR. CHAIRMAN, THE PRESIDENT HAS PROPOSED A FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA OF $444,500,000, AN INCREASE OF $19,500,000 ABOVE THE FY 1986 PAYMENT OF $425,000,000.

AS YOU ARE AWARE THE THE FEDERAL PAYMENT IS PROVIDED TO THE DISTRICT IN LIEU OF REVENUE WHICH IS LOST DUE TO THE PRESENCE OF THE FEDERAL GOVERNMENT AND FOR SERVICES PROVIDED TO THE FEDERAL GOVERNMENT WITHIN THE CONTEXT OF THE EXTRAORDINARY RESPONSIBILITIES PLACED UPON THE DISTRICT AS THE NATION'S CAPITAL. IN FACT, THE FEDERAL PAYMENT REQUESTED BY THE PRESIDENT REPRESENTS LESS THAN ONE HALF OF THE AMOUNT LOST TO THE CITY BY THE FEDERAL PRESENCE. ALTHOUGH THE PRESIDENT RECOMMENDS AN INCREASE OF $19,500,000 IN THE PAYMENT, HE ALSO SEEKS TO HAVE THE DISTRICT INCREASE ITS SHARE FOR CIVIL SERVICE RETIREMENT FROM 7% TO 9%, WHICH WOULD COST THE DISTRICT AN ADDITIONAL $10,000,000, AND SEEKS TO HAVE THE DISTRICT PAY THE HEALTH BENEFITS OF RETIRED D.C. EMPLOYEES, A POTENTIAL COST TO THE DISTRICT OF $8,000,000. THESE PROPOSALS, MR. CHAIRMAN, HOLD A POTENTIAL TOTAL ADDITIONAL COST TO THE DISTRICT OF $18,000,000, VIRTUALLY ELIMINATING THE SO CALLED INCREASE IN THE FEDERAL PAYMENT.

MOREOVER, THE FEDERAL PAYMENT PAYMENT HAS ALWAYS STOOD SEPARATE AND APART FROM OTHER FEDERAL FUNDS PROVIDED TO THE DISTRICT SUCH AS THE WATER AND SEWER PAYMENT, THE ST. ELIZABETHS HOSPITAL SUBSIDY, INAUGURAL EXPENSES AND THE SPECIAL CRIME INITIATIVE FUNDING WHICH WAS INITIATED IN FY 1983. AS PART OF ITS

ACTION ON THE DISTRICT'S FY 1986 BUDGET REQUEST, THE CONGRESS, AS PART OF THE SPECIAL CRIME INITIATIVE, APPROPRIATED AND AUTHORIZED $20,000,000 FOR THE PURPOSE OF CONSTRUCTING A PRISON FACILITY. THIS FUNDING WAS TO BECOME AVAILABLE ON OCTOBER 1, 1986, AND REMAIN SO UNTIL EXPENDED, UNDER THE CONDITION THAT THE DISTRICT GOVERNMENT CANNOT ACCESS THE FUNDS WITHOUT PRIOR CONGRESSIONAL APPROVAL OF CONSTRUCTION PLANS -- PLANS WHICH WERE TO BE JOINTLY SUBMITTED BY THE MAYOR AND COUNCIL. I POINT OUT AGAIN MR. CHAIRMAN THAT THIS FUNDING WAS MADE AVAILABLE AS PART OF THE SPECIAL CRIME INITIATIVE WHICH HAS NEVER BEEN TREATED AS PART OF THE FEDERAL PAYMENT.

THE PRESIDENT INDICATED THAT THE FEDERAL PAYMENT IS TO BE USED FOR THE CONSTRUCTION PROGRAM MANDATED UNDER THE CONGRESS' ACTION ON THE DISTRICT'S FY 1986 BUDGET. THE CONSEQUENCE OF THE PRESIDENT'S RECOMMENDATION IS TO ACTUALLY REDUCE THE LEVEL OF APPROPRIATED FEDERAL FUNDS AVAILABLE TO THE DISTRICT BY $20,000,000. THE $20,000,000 WILL HAVE TO BE MADE UP BY DISTRICT TAXPAYERS THROUGH INCREASED TAXES AND/OR REDUCED SERVICES.

I AM ADVISED BY THE MAYOR THAT IT WAS NEVER THE INTENTION OF THE SENATE APPROPRIATIONS COMMITTEE SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA, OR THAT OF THE SUBSEQUENT CONFERENCE COMMITTEE, THAT THE PRISON CONSTRUCTION FUNDS BE DERIVED FROM THE FEDERAL PAYMENT. THEREFORE, IN VIEW OF THE FOREGOING DISCUSSION, I MUST REQUEST THAT THIS COMMITTEE SUPPORT THE INCREASE BUT WITH A CONDITION THAT IT NOT BE USED FOR THE CONSTRUCTION OF A PRISON FACILITY IN LIEU OF FUNDING ALREADY PROVIDED BY THE CONGRESS UNDER THE SPECIAL CRIME INITIATIVE.

FINALLY, MR. CHAIRMAN, WHILE I REQUEST THIS COMMITTEE'S FAVORABLE SUPPORT ON THIS MATTER WITH THE ABOVE CLARIFICATION, I CONTINUE TO BE CONCERNED ABOUT THE GENERAL UNPREDICTABILITY OF

THE FEDERAL PAYMENT. THEREFORE, I WOULD MAKE A FURTHER REQUEST OF THIS COMMITTEE, AND THAT IS THAT IT SUPPORT THE DEVELOPMENT AND IMPLEMENTATION OF A FORMULA-BASED FEDERAL PAYMENT. I THINK THIS MATTER IS MOST CRITICAL GIVEN THE POTENTIAL IMPACT OF FEDERAL PROGRAM REDUCTIONS ON THE DISTRICT. THE GREATER THE GOVERNMENT'S ABILITY TO PREDICT ITS AVAILABLE RESOURCES, THE GREATER ITS ABILITY TO PLAN TO MEET THE NEEDS OF ITS CITIZENS.

THIS CONCLUDES MY TESTIMONY MR. CHAIRMAN. I WILL BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE.

OPENING STATEMENT OF COUNCIL CHAIRMAN CLARKE

Mr. Clarke. Thank you. I am here today on behalf of the Council to testify on the District of Columbia's fiscal year 1987 budget request, as enacted by the Council on March 18, 1986, and signed by the Mayor on March 27, 1986.

The budget enacted by the Council totals almost $3 billion in authority. Of this amount, $2.4 billion is allocated in fiscal year 1987 to the District's general fund, $311 million to capital outlay within the general fund, and $177 million to the water and sewer enterprise fund for operations and capital construction.

The Council also allocated $5 million to the Lottery and Charitable Games Control Board for its operating needs, and continues to support a cable television enterprise fund with estimated revenues totaling $250,000 to oversee and coordinate the process of bringing cable communications to the residents of the District of Columbia.

This budget was submitted by the Mayor to the Council on February 1, 1986, and coincided with the submission of the District's annual financial report. We moved expeditiously through our review and we incorporated 32 million dollars' worth of line-item increases and decreases, including $8.7 million budgeted to further reduce the accumulated general fund deficit.

This change, which set aside District funds to reduce the accumulated general fund deficit, marks the fourth straight year the Council has amended the Mayor's proposal to provide for this need.

Other major changes included the addition of over $5 million to the public school budget for the operation of programs and the set-aside of another $8 million for pay-as-you-go capital projects in the school system to fix deteriorating buildings.

In a similar move, the Council chose to set aside $2 million for pay-as-you-go capital projects in public housing. It is hoped that, in addition to the debt service savings caused by funding capital projects with operating funds, the Council will cause an acceleration of these needed repairs, and thus cause reduced maintenance costs.

In other respects, this budget continues to emphasize the priorities that we insisted on in the changes we made to the Mayor's fiscal year 1984, 1985, and 1986 budgets. The fiscal year 1987 budget allocates increased program resources for youth, elderly, disabled, sick, infirm, mentally ill, unemployed, underemployed, and tenant assistance and drug rehabilitation programs, where we added even more money to the $5.8 million we put in this year's fiscal budget for drug prevention programs.

The entire budget process was undertaken in the context of great uncertainty, however, due to potential reductions stemming from the Federal budget reductions caused by either specific program changes or the automatic cuts of Gramm-Rudman-Hollings.

Conservative estimates of reductions caused by either are in the neighborhood of 140 million, and unlike other cities where losses may be replaced by State resources, the District has no State capital to turn to. We are a State, county, and local government, and, as such, may be hurt more than other urban communities who can look to other sources for relief.

Moreover, spending in certain mandated program areas such as pensions, the correctional system, subsidies to D.C. General and St. Elizabeths Hospital, and debt service continue to escalate and require that program expansions and new initiatives must be restrained, despite an improved local economic forecast.

Thus, while the budget provides program increases targeted to people in need, including increased resources for adult protective care, foster care, day care, education, and the homeless, and while it provides for growth in home purchase assistance programs and rehabilitation financing, it does not explicitly anticipate the difficulties which may befall the District through Federal changes.

INCREASE IN FEDERAL PAYMENT

A further complication revolves around the Federal payment. The President has proposed a Federal payment to the District of Columbia of $444,500,000, an increase of $19,500,000 above the fiscal year 1986 payment of $425 million.

As you are aware, the Federal payment is provided to the District in lieu of revenue which is lost due to the presence of the Federal Government and for services provided to the Federal Government within the context of the extraordinary responsibilities placed upon the District as the Nation's Capital.

In fact, the Federal payment requested by the President represents less than one-half of the amount lost to the city by the Federal presence. Although the President recommends an increase of $19.5 million in the payment, he also seeks to have the District increase its share for civil service retirement from 7 percent to 9 percent, which would cost the District an additional $10 million, and seeks to have the District pay the health benefits of retired D.C. employees, a potential cost of $8 million.

These proposals hold a potential total additional cost to the District of $18 million, virtually the entire so-called increase in the Federal payment.

Moreover, the Federal payment has always stood separate and apart from other Federal funds provided to the District, such as the water and sewer payment, the St. Elizabeths Hospital subsidy, inaugural expenses, and the special crime initiative funding which was initiated in fiscal year 1983.

As part of its actions on this budget, the fiscal 1986 budget, this year's budget, the Congress, as part of the special crime initiative, appropriated and authorized $20 million for the purpose of constructing a prison facility. This funding was to become available on October 1, 1986, and remain so until expended, under the condition that the District cannot access the funds without prior congressional approval of construction plans.

FUNDING OF NEW PRISON FACILITY

Senator SPECTER. Chairman Clarke, was that appropriation of $20 million in addition to the regular Council appropriation?

Mr. CLARKE. Yes.

Senator SPECTER. So the Council has been a significant partner in putting up extra funds for the prison, as well as the Federal Government.

Mr. CLARKE. No; we have not put up any funds. We have not got anything before us, Mr. Chairman. Despite the directive of the Congress, the Mayor has refused to send to the City Council any programs, cost estimates, location, size, and purpose of the prison.

We have nothing before us, except a resolution which some of us signed, which was a sense of the Council resolution. We look forward to participating in this process.

Senator SPECTER. You just said that the Council had put up $20 million.

Mr. CLARKE. No; I said the Congress, as part of the special crime initiative——

Senator SPECTER. OK. I know what the Congress has done. I misunderstood you. I thought the Council had——

Mr. CLARKE. We have not done anything. We are anxious to get involved, but the Mayor does not want to send it to us, so we do not have anything.

Senator SPECTER. I am going to ask the Mayor about that just as soon as you finish.

Mr. CLARKE. All right, sir.

I would point out again, Mr. Chairman, that this funding was made available as part of the special crime initiative, which has never been treated as part of the Federal payment. The President indicated that the Federal payment is to be used for the construction program mandated under Congress' action on the District's fiscal year 1986 budget.

The consequence of the President's recommendation is to actually reduce the level of appropriated Federal funds available to the District by $20 million. The $20 million will have to be made up by District taxpayers through increased taxes and/or reduced services.

I am advised by the Mayor that it was never the intention of the Senate Appropriations Committee, this committee, or the subsequent conference committee that the prison construction funds be derived from the Federal payment.

Therefore, in view of the foregoing discussion, I must request that this committee support the increase, but with a condition that it not be used for the construction of a prison facility in lieu of the funding already provided by the Congress under the special crime initiative.

Finally, Mr. Chairman, while I request this committee's favorable support on this matter with the above clarification, I continue to be concerned about the general unpredictability of the Federal payment.

Therefore, I would make a further request of this committee, and that is, that it support the development and implementation of a formula-based Federal payment. I think this matter is most critical, given the potential impact of the Federal program reductions on the District. The greater the government's ability to predict its available resources, the greater its ability to plan to meet the needs of its citizens.

This concludes my testimony, Mr. Chairman. I will be happy to answer any questions you may have.

TRUANCY PROGRAM IN PUBLIC SCHOOLS

Senator SPECTER. Let me turn at this point to some questions on some of the key initiatives which this subcommittee has authorized, and it may be that on some of them you will be unable to give the details at the moment, but I would like to find out for the record.

First of all, on the program for truancy, what has been the effect of the appropriation that we have made specially, Mr. Mayor, in terms of reducing truancy and trying to put the youngsters back into the school cycle, and has there been any opportunity to evaluate the graduation cycle and entry into the job market and see some tangible result from that kind of an expenditure?

Mayor BARRY. Mr. Chairman, as I said earlier, the school system would have the specific figures. But there has been some success; there is no question about that. We have seen it in our job applicants who have been applying for jobs through the Department of Employment Services. These young people are 16, 17, 18 years of age.

Since you and I visited the center, I have been by several times.

Senator SPECTER. Mr. Mayor, what I would like to have you do, if you would—and this would have to be done by your subordinates in the field—I would like to know precisely, question one, where has the money been applied, and this will be in the record so you can transmit that to the people. Specifically, where has the money been applied?

Second, how many truants has it touched in the program? Third, what has been the success rate after identifying the truants and bringing them back into the school system? Fourth, this may be premature, but what has the effect been on their further education cycle in terms of graduation and then moving into the job market?

We looked at this as a pilot program and would like to monitor these results very closely.

Mr. Mayor, you have already talked——

Mayor BARRY. Mr. Chairman, as you know, that money was technically appropriated to the schools. We have been working with them, but we will work with them to get the information. It is my understanding that that was in the schools' budget, not our budget.

Senator SPECTER. Yes.

Mayor BARRY. As you know, the school system is technically independent, but we programmatically work together. If I had known you wanted those specifics, I could have gotten them. We will make sure you get them.

Senator SPECTER. Well, this subcommittee would like to see them, and if you would have them provide them to us, we would appreciate it.

ASSISTANCE OF POLICE DEPARTMENT IN TRUANCY PROGRAM

Mayor BARRY. Mr. Chairman, let me enumerate about a program we are about to embark upon which I think you will be very excited about; I know I am.

Presently, the Metropolitan Police Department will pick up a young person who appears to be out of school and ask his or her name and age. They will take them to the precinct to further ascertain what they are doing out of school during that period of the day. They will then take the youth back to the school and leave them.

Prior to this, there has been no systematic way of knowing how many young people have been out of school and how many times. We are in the process of computerizing what we call our PD–79, both A and B; A is for contact and B is for arrest.

I have talked with Ms. McKenzie, and we intend to let her know either Friday afternoon or Monday morning the names of all the persons the police department has had to take back to school or contacted. This means that she can then focus resources on a particular school where there seems to be a disproportionate number of people that are staying out of school.

Concurrent with that, we intend to send those same names to the Department of Human Services. If those young people are a part of our social service program, a caseworker can also begin to work with that family.

In a lot of instances, the mother does not know the young person is out of school. We think with the elements of the truancy prevention program, which includes counseling in the schools, information sharing with the schools, the social services component, and the intense work with the family, we are going to see some decreases in truancy.

Senator SPECTER. Mr. Mayor, I see that we will have the School Board here on June 11, so my staff will transmit those questions. And we will also at that time ask for a specific report on the results of the incentive pay for the teachers.

JOB TRAINING INITIATIVE PROGRAM

Mr. Mayor, we had a special job program, and I am advised by staff that we have sought a report on that. You have mentioned that briefly here so far today and I know that that program has concerned itself with renovating public housing with the Homebuilders Association.

Beyond the testimony which you have given today, the subcommittee would be very interested if you could supplement that by the specifics as to the allocation of the $500,000; again, how many people it touched, what their progress was; if they can be traced, what assistance it gave them on moving into the job market.

That would be very helpful in order to evaluate the success of the initiative and to help us decide about future funding.

Mayor BARRY. Mr. Chairman, let me just say the program is administered by the Department of Employment Services, and we have finalized a contract with the Homebuilders Institute of the National Association of Homebuilders to do the hands-on management of this project.

In addition to this prime contract, we have cooperative agreements with the National Institute of Homebuilders, the public schools, and the D.C. Department of Housing and Community Development. There are approximately 90 participants in this program; $145,000 of the $500,000 will be for stipends for the participants, and $354,000 for the contract.

This program is——

Senator SPECTER. $145,000 went for the involvement of how many, again?

Mayor BARRY. Ninety.

Senator SPECTER. Ninety, and how about the balance of the——

Mayor BARRY. $354,000 will go to the Homebuilders Institute of the National Association of Homebuilders.

Senator SPECTER. What will that money be used for?

Mayor BARRY. They will do the actual training and supervision of these 90 participants in the area of construction and building maintenance. This is an area that we think is a growing area.

We also will be using publicly owned buildings, particularly public housing, as training sites for the 90 participants.

Senator SPECTER. Do you know, Mr. Mayor, if those 90 are still employed there?

Mayor BARRY. Mr. Chairman, at present this program is really just getting started. We had a difficult time trying to figure out the best way to use the money, quite frankly, and the most effective way.

There are 48 participants presently enrolled and the remaining 42 are scheduled to begin later this month, or the next 2 weeks. We wanted to start this program earlier, but, quite frankly, it was a new program and we had some debate as to the best way to spend $500,000.

We finally had a proposal from the National Association of Homebuilders. We looked around the country to see how they had performed and we came to the conclusion that this was an excellent program.

We are a little late getting started, but we now have the contract signed and we will have the full 90 participants on board in the next couple of weeks. The 20-week cycle will continue.

We will have ample time to spend the money during this fiscal year because the contract has been signed. We are confident that 80 percent of the participants will complete the training. The goal is to have 70 percent of those who complete the training enter the job market with jobs paying more than $5.50 an hour.

As I said, we were a little slow in getting started, but we now have the program underway. We have signed the contract and 48 participants are already being trained.

SUCCESS RATE OF JOB TRAINING PROGRAM

Senator SPECTER. What is the success rate? I had better not ask in terms of all the people, but what is the success rate of those who leave the program in terms of getting outside jobs?

Mayor BARRY. Mr. Chairman, let me get those numbers back to you.

Senator SPECTER. OK. I would appreciate it if you would, Mr. Mayor, because the subcommittee would like to closely follow these initiatives.

Mayor BARRY. Mr. Chairman, let me say I share your view about quantifying these programs. If we are going to spend $500,000, we ought to know whether or not it is going to make a difference.

Senator SPECTER. I could not have said it better, Mr. Mayor.

Mayor BARRY. If it does not make a difference, certainly we should not do it. If it does make a difference, we ought to do more of it. We do have a tracking system; I just do not have the information with me.

Senator SPECTER. This subcommittee wants to work with you, Mr. Mayor, on precisely those grounds. We want to identify the areas of critical need, like the school system, like the truants, like the job opportunities. We want to help you, but we want to see the specific results.

[The information follows:]

SUCCESS RATE OF JOB TRAINING PROGRAM

The program was initiated in fiscal year 1986 with additional Federal funding recommended by Senator Specter and approved by the Congress. As of June 30, 1986, eight participants had completed the training program and were placed in jobs with salaries ranging from $5 to $6.50 per hour.

PRISON ISSUE

Senator SPECTER. That is a good point to turn to the prison issue, and if Ms. Washington would step forward——

Mayor BARRY. Mr. Chairman, may I speak briefly on the prison itself, and then ask Ms. Washington to come forward?

Senator SPECTER. All right. While she is coming forward, Mr. Mayor, if you could address the issue raised by Chairman Clarke about if, as, and when—come forward, Ms. Washington; you are on stage.

Mayor BARRY. Mr. Chairman, let me formally introduce you to our new budget director, Rich Siegel.

Senator SPECTER. Yes.

Mayor BARRY. You have seen him before, but he is now——

Senator SPECTER. I have; I said hello to him. You are welcome here, Mr. Richard Siegel.

Mayor BARRY. He brings a wealth of information. He was with the executive branch, moved to the Council, and now back to the executive branch. So he has knowledge about both sides of the government.

PROVIDING INFORMATION ABOUT PRISON FACILITY TO COUNCIL

Senator SPECTER. Before Ms. Washington starts testifying, Mr. Mayor, if you would direct your attention to the issue raised by Chairman Clarke about the providing of information to the Council, I would appreciate it.

Mayor BARRY. Mr. Chairman, as you may recall, when this issue came before the subcommittee and you were very insistent on putting the money in, it had no such requirement. The requirement was put in in conference by Mr. Dixon because the House was not as enthusiastic about this as the Senate.

Quite frankly, I think I made some misjudgments. I supported a bill to establish a commission to look at where we ought to put a facility, and what kind of facility, we should have.

I did something I usually do not do. The commission was composed of 15 people, 7 appointed by the Mayor, and 8 appointed by the Council. Usually, mayors insist on having a majority on such a commission.

The commission got into the question of "if" as opposed to "where." Again, I tried to urge them to look at "where." To be frank with you, I should not have done that. I should have just moved ahead with hiring an architectural engineer, and then I could have submitted some plans to the Council by now.

That commission, I think, took some 9 to 12 months and came to the conclusion—the majority, anyway—that we did not need a prison in the District of Columbia. I disagreed with that.

We then moved ahead on our own to identify a site. I briefed the Council on where the site would be. It is to be behind the new jail site, on about 10 acres.

Senator SPECTER. So, Mr. Mayor, the long and short of it is that you went the commission route and you found it unsatisfactory.

Mayor BARRY. It did not work.

Senator SPECTER. You have abandoned it and you are moving ahead with the prison through your executive power?

Mayor BARRY. Part of the problem we have is that this is a political year, also, Mr. Chairman; you are in politics and I am, too. Prisons and treatment facilities are very political, and in the ward where we want to put it, the Council member is up for reelection this year. In fact, a majority of the Council is up for reelection, including the chairman. The Mayor is also up for reelection.

We have an architect; we are looking at the drawings. We are asking experts from around the country to assist us in putting together the design. I intend to submit that to the Council as soon as we have something.

If I had not made the mistake I made and relied on the commission as the route to go, we would have had complete drawings by now. We would have had the best input from around the Nation we could have found, and the Council would have had before it now a very detailed drawing.

I would not like to send them a sketchy piece of paper as to what we intend to do. This is a new concept.

Senator SPECTER. I am glad to hear, Mr. Mayor, that you have moved beyond the commission stage to take the executive power yourself to move ahead with the prison construction. I think your statements as to your intention to provide the City Council with the information are fine.

Mayor BARRY. I do intend to.

Senator SPECTER. We do not have too much more time, so let us turn to Ms. Washington now.

Mr. CLARKE. Might I have one more word on that, Mr. Chairman?

Senator SPECTER. Sure.

DIRECTIVE TO HAVE COUNCIL INVOLVED IN PRISON FACILITY

Mr. CLARKE. It is your directive, sir; it is your congressional directive that these plans be developed by the Mayor and the Council. Frankly, if you did not want the Council to be a part of it, you should not have written it in there.

That is a stern, but a frank statement, sir. The Council wants to be a part of the decisions that are made.

Senator SPECTER. Well, Chairman Clarke, we want you to be a part of it, but we do not want to referee fights.

Mr. CLARKE. I understand that, and if the matter——

Senator SPECTER. We do not have time to referee fights. We barely have time to make allocations of resources.

Mr. CLARKE. And you would not have to referee a fight if the matter could be handled as you provided. If, as you provided, the plans would be submitted to you by the Mayor and the Council, which is what you provided—but that is not occurring.

According to the testimony presented on the other side of this Hill, $1 million is being spent right now to develop these plans. And should they not be acceptable to either you or to us, one or the other, that is $1 million that is wasted.

Now, if you want a situation where we do not have these kinds of fights—and I do not enjoy coming up here with a different point of view on an issue than the Mayor; I do not enjoy that—I think it is a bad part of home rule that we have to come here at all, but when we come here, I would like to see us come as a unified city. But we cannot do that where you direct as almost a matter of law in a conference report that these things be developed by the Mayor and the Council itself and the Mayor stands above that.

When the Congress says here is the requirement and the Mayor says he is above that requirement, then it does not work that way. Then you have exactly what you have today.

Senator SPECTER. What would you like me to do, Mr. Clarke? What would you like this subcommittee to do?

Mr. CLARKE. Well, I would rather hear you frankly say to the Mayor, follow our directive, than thank you for moving ahead. What is happening in the city today is the Mayor is saying to the City Council, wait, we are not ready to give this to you.

And he comes up here to the Hill and says, we are moving ahead very fast, and the people hear one or the other from whatever the press decides to tell them. But that is speaking out of two sides of one's mouth, and the City Council is being left out of that process.

If you intended for the City Council to be a part of that process, then you ought to defend your own requirement.

REQUIREMENTS OF CONFERENCE REPORT

Mayor BARRY. Mr. Chairman, I do not want to get into a big debate about this, but if you read the conference report on page 3, it talks about the Federal contribution:

> The $30 million for the prison project shall not be obligated until the Subcommittees on the District of Columbia of Appropriations of the House and Senate have approved the plan submitted by the Mayor and City Council, which includes the design, size, security level, cost and location of the proposed prison: Provided further, That funds for fiscal year 1986 shall be available for planning and designing the prison project; Provided further, That the funds for fiscal year 1986 shall be available to meet emergency needs related to the Department of Corrections as certified by the Mayor to the House.

Senator SPECTER. Well, Mr. Mayor, I see the language. It calls for a plan submitted by the Mayor and the City Council.

INDEPENDENT ACTION OF COUNCIL REGARDING PRISON FACILITY

Now, Chairman Clarke, if you do not like what the Mayor is doing, why do you not submit your own plan?

Mr. CLARKE. Because you called for one to be joint and because I do not enjoy this any more than you do.

Senator SPECTER. Well, the Congress called for one to be submitted jointly; it is in black and white. You do not like what the Mayor is doing; you think he is going his own route. Why do you not go your own route?

You have called upon him to work with you jointly and you are dissatisfied that he has not worked with you jointly. He says he is preparing a plan and after he has a plan, he will submit it to you for your analysis.

You do not like that because it does not get you involved in the process early enough, is that correct?

Mr. CLARKE. Mr. Chairman, the Mayor testified here a few moments ago that despite some Council members' concerns—the Mayor raised the issue of the disagreement, and then in my testimony I indicated that these requirements are to be submitted jointly.

Sir, I do not enjoy sitting before you with a different point of view. We have a process within the city hall for the resolution of——

ACTION COUNCIL WANTS MAYOR TO TAKE

Senator SPECTER. Well, what would you like the Mayor to do?

Mr. CLARKE. To submit the plans to the District of Columbia and let the Council of the District of Columbia review them before $1 million is spent.

Senator SPECTER. He says he does not have plans to submit to you at this stage.

Mr. CLARKE. But, sir, he is telling you that he has taken many steps on the development of those plans. He has told you that he has made decisions with respect to two or three of the very points that are there, and that is the difficulty.

Senator SPECTER. Chairman Clarke, I have heard as much of this as I am going to listen to.

Mr. CLARKE. All right.

Senator SPECTER. I have just heard as much of it as I am going to listen to. He says that he does not have plans to submit to you and you say that he does, and if you cannot work it between yourselves, then you are the chairman of the City Council; you have funding available. If you do not like what he is doing, you can pursue your own path on it and you can pursue your own plans.

But this subcommittee has devoted a tremendous, tremendous amount of time to this issue and we cannot get into a boxing match and referee a battle between the Mayor and the City Council as to whether his plans are far enough progressed so that they ought to be submitted to you or whether they are not.

There is a whole political process that governs these matters above and beyond what can be accomplished in a Senate subcommittee room. If you do not like what he is doing, pursue your own plans.

Mr. CLARKE. Mr. Chairman——

HAVING THE COUNCIL SUBMIT ITS OWN PRISON PLAN

Senator SPECTER. You have finances available to you; you have power to move ahead. If you think that the Mayor is not complying, then there can be a plan submitted by the City Council which includes design, size, security level, cost and location.

You are going to have to take your case to the people of the city if you think the Mayor is not acting properly. Specifically, what can this subcommittee do beyond what it has done?

Mr. CLARKE. Mr. Chairman, I have not asked the subcommittee to do anything. You have asked me with respect to my position on various matters.

Senator Specter. No; you have asked the subcommittee to tell the Mayor to obey the law. We do not know that he is not obeying the law. I do not know that he is not obeying the law until I get into the middle of the details.

Mr. Clarke. You are pretty far into the middle of them, Senator. To be honest with you, you are pretty far into the middle of the details with respect to this prison, as you have every right to be.

One of the concerns that you have had is that the matter is not moving fast enough. I do not want at the last minute for the Council, which has 13 members and a process and a deliberative process to consider this thing, to be the institution that is holding it up

I do not want this fall, when the Mayor says he will send this stuff to us—I do not want at that time, you to feel that you are in a hurry and that this matter has taken so long and that the Council has just gotten it. I do not want to be in that position.

COUNCIL AGREEMENT ON PRISON SITE LOCATION

Senator Specter. Chairman Clarke, how about the issue of site location? Did the Council agree on a location for the prison?

Mr. Clarke. No.

Senator Specter. Well, that is the first step.

Mr. Clarke. I agree.

Senator Specter. Did you go to the Mayor and say, we do not like anything you have done; here is an alternative for the site?

Mr. Clarke. Yes; in a way of speaking, we did, and the Mayor asked us not to proceed ahead with that until he gave us his proposal.

Senator Specter. Well, he asked you. You did not have to listen to him. Did the City Council of Washington, DC, propose a specific site?

Mr. Clarke. Nine members of the City Council asked that the Mayor work to place this new prison at Lorton.

Senator Specter. Where?

COUNCIL RESOLUTION REGARDING PRISON FACILITY

Mr. Clarke. Lorton, VA. We have a resolution in. The Mayor asked us not to proceed ahead with that until he could work up this program. The Mayor asked for us to work with him on meeting this requirement that you established.

Now, I represent 13 people who have to stand before the same body of people as does the Mayor of this city, and we want to cooperate and we want to meet your directive, sir.

Senator Specter. Chairman Clarke, the requirement was that the prison facility be "within the District of Columbia." That is in the conference report.

Mr. Clarke. Yes; and our resolution——

Senator Specter. So it does not do us any good to have you proposing one someplace else.

Mr. Clarke. The resolution asked that the Mayor work with you to try to argue for the position of it going at Lorton, VA.

Senator SPECTER. But the Congress has already spoken on that issue.

Mr. CLARKE. Yes; the Mayor has asked us not to move forward with that resolution. We are not moving forward.

Senator SPECTER. Are you asking the Congress to revisit a decision we have already made that the prison facility should be within the District?

Mr. CLARKE. No; I am not asking the Congress to do anything, sir. You have asked us with respect to our position on these various issues and I am indicating to you that one of your directives is not being met and that the Council is ready, willing, and able to participate in the meeting of one of your directives.

Even though this is a difficult conversation, I am glad it is being made on the record because when, in the fall or the winter, you are anxious to proceed ahead with the building of a prison and this matter is in the City Council and we are holding hearings on it and this matter is not being submitted to you by the Mayor and the City Council because we are, at that point, only receiving it, I want you to be able to remember this conversation.

Mayor BARRY. Mr. Chairman, I do not want to keep continuing this conversation, but——

Senator SPECTER. Just a minute, Mr. Mayor.

This conversation, Mr Clarke, has not advanced that ball one twit, as far as I am concerned.

Mayor BARRY. Absolutely.

REFEREEING DISPUTE BETWEEN MAYOR AND COUNCIL

Senator SPECTER. It has not advanced it at all. I asked about the sites because that is an easy issue to resolve. Mayor Barry makes the representation that he does not have a plan to submit to you, and you think that you should have been called into it earlier.

For this subcommittee to referee that dispute, I would have to know a lot of details. I come to the issue of the site because that is a simple matter to see if the Council has proposed an alternative.

For you to sit there and tell me that your alternative is Lorton, I think, is just unsatisfactory in light of the congressional statement that the prison has to be within the District of Columbia.

Mr. CLARKE. I did not say that the alternative was Lorton. I said that the resolution the Council members introduced, which has not been voted on, called upon the Mayor to argue before you for the case of Lorton.

The Mayor asked us not to move forward with that. The Mayor asked us to work with him, and we have basically been willing to do that. Now, the Council has no position with respect to the location of the issue. We should have a position with respect to the location of the issue, and that position ought to be developed in concert with the Mayor so that you do not have to referee a fight.

Senator SPECTER. Well, if it cannot be developed in concert with the Mayor——

Mr. CLARKE. It cannot be, unless he sends it to us.

Senator SPECTER. Then develop it on your own, but you have not done that. That is all I am going to hear about this matter.

WELCOMING MRS. GWYNNE WASHINGTON

Ms. Washington, we have a very brief period of time to hear an update. If you will just summarize it for me, you may have to submit the balance of it in writing. But the essential question that this subcommittee wants to know is, in light of the severe criticisms which have been leveled at the progress of the program in the District of Columbia about the use of Federal funds on our initiative, what is your evaluation?

First of all, we ought to establish your credentials. You have been made a part of the District's activities as a result of assistance from Mr. Norman Carlson, the Director of the Federal Prison System, is that correct?

Ms. WASHINGTON. Yes, Mr. Chairman. My name is Gwynne Washington.

Senator SPECTER. I have had a number of conversations with Director Carlson and this subcommittee has sought his assistance to give the expertise and guidance of the Federal Bureau of Prisons.

You had been in his organization?

Ms. WASHINGTON. Yes, Mr. Chairman, for the last 15 years I have worked for the Federal Bureau of Prisons and I am now on an intergovernmental loan, through the request of the Mayor, to Mr. Carlson that I do that over the next year.

UPDATE OF EDUCATIONAL/VOCATIONAL PROGRAM

Presently, I am serving as the Assistant Director for Educational Services. I do want to preface my remarks by thanking you for the insight that you had in providing the extra funding to the D.C. Department of Corrections, for the educational and vocational training programs that they have attempted over the last 3½ years to provide.

I think it is ideal that this kind of program be provided to our Nation's Capital, and I think that over these last 3½ years the Department has worked very hard to provide the kind of program that you had envisioned.

I think one unfortunate thing, is that the Department has been looked at harder than any other State that I know of, which would have this kind of money, to provide the kind of programming that you envisioned in such a short period of time. If you look at the figures that the Mayor gave you this morning and some of the figures in his remarks that he did not verbally bring to you, you can see that looking at the Department of Corrections in 1982 and looking at them today, 1986, there has been an increase not only in the enrollments, but also in the attendance of the men at the Lorton facilities and the men and women at the jail facilities in the programs that are provided.

SATISFACTORY PROGRESS OF EDUCATION PROGRAM

Senator SPECTER. Ms. Washington, you think that the program is moving at a satisfactory pace?

Ms. WASHINGTON. I certainly do. For the time that they have had to plan the program and get it off the ground, I think it is moving at a satisfactory pace. I have been here since February taking a look at this program.

I think one of the most crucial items that is now before the D.C. City Council, once they act upon that, is to require some kind of mandatory inmate participation. If approved, we will see further inmate participation in these programs. But in light of the fact that the men at Lorton and the men and women at the jail who have had very bad experiences in their educational training prior to incarceration—to think that once they are incarcerated, without any kind of mandatory requirement for educational services or educational or vocational training—the Department has done a good job in trying to motivate these young men and young women.

Senator SPECTER. Ms. Washington, before I ask you about your programming for the future to make it mandatory, let me ask you for the specifics as to why you conclude that the program is satisfactory.

Ms. WASHINGTON. I conclude that based on the fact that prior to this program, the Department had about 60 staff members trying to provide some kind of educational and vocational program for the seven institutions.

Starting in early 1984 when they really got off the ground to try and institute this program, the number of employees tripled. These were persons who had no background in working with inmates in an institution, so there was a training aspect that had to take place for the new staff, and this certainly takes time.

RECRUITING TEACHERS FOR THE EDUCATION PROGRAM

Senator SPECTER. Would it have been possible to find people to be in the program who had such experience, or is that not realistic?

Ms. WASHINGTON. That is not realistic because there are not the numbers of trained personnel to draw from in our society. Unfortunately, having spent the last 15 years with the Bureau of Prisons, I know how hard it has been for us to recruit people who have had experience in working in penal institutions.

So you recruit people who you must train. Recruitment is not an easy task in this day and time of overcrowded prisons, because of the kind of attitude that people have about penal institutions. As you know, it becomes difficult to recruit qualified people to work in them.

Senator SPECTER. So they had a problem in recruiting people and you think that they have done as well as they could in moving ahead?

Ms. WASHINGTON. I think they have done an excellent job in terms of recruitment, but they did not have the time for appropriate training.

Senator SPECTER. What other specifics do you have?

Ms. WASHINGTON. The other specifics have to do with the kind of enrollment and attendance figures that we now have for persons in our eight institutions in the Department of Corrections. I see those persons not only participating, but doing a good job.

Of those persons who took the GED——

Senator SPECTER. Would you excuse me? I have to interrupt the hearing for just 1 minute, please. Excuse me.

[Pause.]

Senator SPECTER. Ms. Washington, if you would proceed the statement of specifics, pardon the interruption.

TEST SCORES OF INMATES IN PROGRAM

Ms. WASHINGTON. That is certainly all right, Mr. Chairman.

I think that we should indicate here that, of the inmates who took the GED test during 1986, three of the inmates at Lorton made test scores higher than all of the persons in the District of Columbia who also took the GED test.

Now, that certainly speaks to the quality of instruction that they are receiving by the staff persons at the Lorton facility. Also, 66 percent of all——

Senator SPECTER. What was it you said about the GED test? Would you repeat that, please?

Ms. WASHINGTON. Three of our students at Lorton tested highest of all persons taking the test in the District of Columbia, and those are persons who are involved in community adult basic education and GED programs in the District of Columbia.

Senator SPECTER. So the top three were from Lorton?

Ms. WASHINGTON. Yes.

Senator SPECTER. Out of how many?

Ms. WASHINGTON. I do not have those figures, but we can certainly get those. I do not remember them; I saw them.

Senator SPECTER. But it is a great number, several hundred?

Ms. WASHINGTON. Oh, yes, in terms of all of those persons taking the GED test in the District of Columbia.

Also, 66 percent of our students passed the GED test. Now, that certainly speaks to the quality of the education program that we are providing in the pre-GED area. Over the next several months, we are going to increase that percentage. We are moving to a new individualized computer program that will assist our students.

One of the things that I have found is that we have a number of men who, because they cannot read or write, do not participate in the school program because they do not want to be embarrassed.

INDIVIDUALIZED APPROACH TO TRAINING

So we have now a new program that we plan to have on line before the end of this summer that will allow them to participate in an individualized approach of training so that nobody else in the classroom will know exactly what his scores are and how he is moving. He can move at his own pace.

Of those persons who are involved in our vocational programs, which certainly is an area that we want to continue to develop—in the Mayor's written report to you that he plans to give later on—we say that we are evaluating the vocational training programs that now exist at Lorton, and are trying to make sure that these are the kinds of vocational areas that our men are interested in and that they will participate in.

As we look at those, we are developing others. We are now working hand in hand with the Prison Industries Program to make sure that those areas that Prison Industries is developing are also areas that we in education can provide the kinds of assistance and training that they need before moving into those positions

Senator SPECTER. Ms. Washington, let me ask you a specific question.

Ms. WASHINGTON. Yes.

TANGIBLE RESOURCES OF PERSONS LEAVING LORTON

Senator SPECTER. This matter came into sharp focus just a couple of weeks ago when Margaret Nolan, executive director of the Washington Congressional Foundation which studied the Lorton program, made this statement: "Men coming out of Lorton have no greater measurable or tangible resources than they had prior to the initiative."

Do you know enough at this point, or has enough time passed for you to give a judgment as to whether Executive Director Nolan is correct or not on that statement?

Ms. WASHINGTON. I certainly would not want to say that Ms. Nolan is wrong since I don't know where she is getting her information. But I can tell you that from a national perspective, it has never been actually proven that what we do in prisons has any real impact on inmates. That the recidivist rates are lower for those persons who go through programs, as compared to those who don't.

What Chief Justice Berger has supported—and I certainly have been involved in a number of his conferences—is that we look at ways to give the kinds of opportunity to inmates who are coming out of institutions, to have skills so that they can make a change in their lifestyles.

If you look at over 400 persons that came through the Second Chances programs who left the facilities and are employed, we have data to show that over 60 percent of those persons are still employed in either the positions that we placed them in or in other positions where they have upgraded themselves.

Certainly, the Mayor's initiative through the Department of Employment Services under the STEP Program is another area that we are able to use to employ people who have received training in the programs at Lorton.

One of the things that we should not——

Senator SPECTER. Excuse me, Ms. Washington. I have a question in my own mind as to whether there has been sufficient time to——

Ms. WASHINGTON. Well, I was just getting ready to say that one of the things is that we have——

Senator SPECTER. Wait just a minute, wait just a minute.

Mayor BARRY. She is just fired up, sir, about the program.

Senator SPECTER. Well, she is very enthusiastic and she is very able, but because of the very limited time I want to pinpoint and direct the questions.

Ms. WASHINGTON. Yes, Mr. Chairman.

Senator SPECTER. I have a doubt in my own mind as to whether you can come to firm conclusions at this stage of the proceedings. This is a program which was authorized in 1983 for fiscal year 1984, and started in 1984, and now we are in June 1986. So it has had a relatively short term to get started.

But this program is under a microscope, and it should be, because of the funds which have been provided to it. When I see an assertion like this that men coming out of Lorton have no greater measurable or tangible resources than they had prior to the initiative, the first question that comes to mind is whether there has been enough of a basis for everybody to come to that conclusion.

But that just intensifies our concern, and that is why my staff has been meeting with Mr. Carlson and we have been trying to take a look at it.

NUMBER OF PERSONS LEAVING PROGRAM

Now, have there been 400 men who have come out of the program?

Ms. WASHINGTON. Yes.

Senator SPECTER. And 60 percent of them are still employed?

Ms. WASHINGTON. Yes.

Senator SPECTER. Well, that is a good bit of evidence. It is only one piece of evidence.

Ms. WASHINGTON. But I think the one point that needs to be made is that this program has only been in operation about 3 years and had to come from nothing to where it is today. To say that we can now measure that we have done such a good job with the inmate population—we do not ask those questions of other systems which have been operating under this kind of programming for a lot longer time, Mr. Chairman.

I think that within the next 5 years the Mayor should be able to come to you and make some other kind of prediction as to what has actually happened.

Senator SPECTER. Ms. Washington, there is another quote here in the Post story of Monday, May 19. Osa B. Coffee, a nationally known correctional education expert and former executive director of the Correction Education Association, said, "There was a concern that if the District did not make good use of this, it would dampen the support for correctional education in general. I am afraid it has done that."

EVALUATION OF STUDIES OF EDUCATION PROGRAM

What I would like to do, Ms. Washington, is, I would like you to pursue the studies which have been made on the program and give us your view, because I have asked Director Carlson to do that.

This subcommittee would be interested to know the factual basis. We may have the people in and have hearings on it ourselves. Time is very short because of our very heavy calendar, with so many matters before the Congress.

But you come from the outside; you come from the Federal Bureau of Prisons. You do not have any vested interest in the District of Columbia or its existing operations, and we look to you and Director Carlson for outside advice.

This subcommittee would appreciate it if you would consult with Ms. Nolan and Ms. Coffee and give us your evaluation as to the problems that they see, and let us learn from whatever it is that they had in mind to see where we are going, because this subcommittee is determined to find out what the facts are.

Ms. WASHINGTON. Certainly.

Senator SPECTER. We want the truth, the unvarnished truth, and I know the Mayor does and I know Chairman Clarke does; we all do. We want to see this program succeed, but we want to know what the facts are.

So if you would undertake that, the subcommittee would be very appreciative.

Ms. WASHINGTON. Certainly, Mr. Chairman.

Mayor BARRY. Mr. Chairman, let me just add that we would like to do that, but what bothers me about all of these so-called experts—and no derogation to them—I just get a little upset that most of them have never run a program, have never had to produce any results, have never had to be in that environment over a period of time.

That does not mean they should not study it. That is fine, but they ought to look at it in the context of what it takes to try to get these programs going.

Ms. Washington alluded to a serious problem that I found out about later. We were anxious to get this program started. We hired teachers who had no experience in teaching hardcore criminals. They had experience in teaching people who read on the fourth or fifth grade level.

There is a big difference between teaching someone who reads in the fourth or fifth grade as a youngster in elementary school and teaching a 23- or 25-year-old person who comes to the institution with a negative attitude and antisocial behavior.

So, as we learned that, we trained some of them to do it. We will do the studies, but we will do them with some caution. I used to be in graduate school doing studies, and as you do studies it is easier to make recommendations about something that you think you know about but never have done before. I just want to put it in that context.

Once you are a Senator, it is different in saying I would like to be one and knowing how to be one. There is a different direction.

We will give you that information, but we would like to caution you to say that I do not agree with some of these professors who never run anything and have never been around anybody who has run anything and then come in and make some hypothetical analysis.

I think facts can speak for themselves and numbers can speak for themselves. You are right. We have 6,000 people in our institutions and we need to answer such questions as: How many are actually enrolled for how many hours? What has been the productivity of that? Why have they not succeeded; if they have not, and why have those who have succeeded, succeeded?

SUMMARY STATEMENT OF SENATOR SPECTER

Senator SPECTER. Mr. Mayor, the subcommittee will be looking to these statistics and these hard facts and what Ms. Washington finds out. I have been in this line for a long time.

I recall very well visiting prisons as a young assistant district attorney on parole and pardon matters going back to 1960, and I am convinced that there are a lot of hardcore criminals, career criminals, who ought to be separated from society permanently.

I am also convinced that there are a lot of people in the jails, first offenders and second offenders, who can be rehabilitated, and the basic line of rehabilitation is education and vocational training.

It is no surprise that when a man or woman leaves prison without a trade or a skill returns to a life of crime. We have made some bold initiatives here and we are prepared for whatever the facts lead to, but we want to be as sure as we can about what the facts are and that we are on the right course, and I am delighted to have Director Carlson's help and your help, Ms. Washington.

SUBMITTED QUESTIONS

I have some questions which I will submit for response for the record.

[The following questions were not asked at the hearing, but were submitted for response for the record:]

QUESTIONS SUBMITTED BY SENATOR SPECTER

COUNCIL OF THE DISTRICT OF COLUMBIA

SENATOR SPECTER:
1. The budget document requests an increase of 13 staff positions, one for each member and the Chairman. How many staff persons does each member now have on his or her personal staff and hcw many staff persons is each committee allocated?

CHAIRMAN CLARKE:
1. In order to improve its research capability and its ability to compete for competent staff resources, the Council requested 13 new DS-11 Research Specialist positions, one to be assigned to each Councilmember. Expanding the Councilmembers' staff capacity will provide the much needed analytical and research capability necessary to review, recommend, and draft revisions to laws affecting the citizens of the District of Columbia as well as to increase oversight capabilities. The following number of positions are currently allocated to the offices of the Councilmembers: the Chairman has 5 positions, the Chairman Pro Tempore has 5 positions, and each of the other 11 members has 3 positions. No additional positions are requested for the committees. The following are the committee staff allocations: the Committee of the Whole (including Budget and Fiscal Review) has 10 positions; both the Finance and Revenue Committee and the Judiciary Committee have 5 positions; each of the following committees: Housing and Economic Development, Government Operations, Consumer and Regulatory Affairs, Public Works, Human Services, and Public Services and Cable Television have 4 positions; and both the Libraries, Recreation and Charitable Games Committee and Education Committee have 3 positions.

SENATOR SPECTER:
2. Funds are requested for severance pay and terminal leave in anticipation of the effects of the 1986 Council elections. What amounts were required in the last two election cycles and have the rules for these benefits changed in the interim?

CHAIRMAN CLARKE:
2. Our FY 1987 request for severance and terminal leave funds is based on our knowledge that one Councilmember will not seek reelection. The request represents the projected payments to the personal and committee staffs of this Councilmember. As a result of the 1982 Council election, employees were paid $42,588 for terminal leave and $76,374 for severance pay in FY 1983. As a result of the 1984 Council election, employees were paid $12,466 for terminal leave and $40,136 for severance pay in FY 1985. The rules for these benefits have not change.

OFFICE OF THE MAYOR

SENATOR SPECTER:
The budget calls for an increase of 6 persons in the Mayor's staff. Are these new hires or transfers from other agencies, if so, from where?

CAROL B. THOMPSON:
In response to your question Mr. Chairman, the increase of 6 persons in the Mayor's office are not new hires or transfers from other agencies. We are proposing to fund these six (6) existing positions from the appropriated budget in FY 1987. In previous fiscal years these positions were funded by intra-District funds and were reflected on the schedule 8 in earlier budget submissions. The FY 1987 nonappropriated budget was duly reduced from 26 positions and $762,000 (in FY'86) to 20 positions and $562,000 in this submission. The appropriated increase is, therefore, not a net increase in positions and funding, but a realignment.

OFFICE OF THE SECRETARY

SENATOR SPECTER:
1. The requested amount includes 3 fewer staff persons. Where are these reductions taken?

MR. SMITH:
1. The reductions for the 3 fewer staff persons are taken from personal services. There is $77,000 taken from regular pay and $8,000 from fringe benefits. These three staff persons and funding, from the Secretariat's telephone unit, have been transferred out to the Office of Emergency Preparedness where they are performing the same functions. That office's budget has been duly augmented by these positions and funding.

OFFICE OF THE INSPECTOR GENERAL

SENATOR SPECTER:
A substantial increase in staff and funding resources is requested for the Office of the Inspector General. What duties will these staff perform and what analysis will be performed with these added resources.

MR. GILL:
The Office of the Inspector General request for an increase of 11 CFT positions includes five positions that are now filled and have been for a number of years. These positions consist of four auditors and one investigator. The individuals will continue to perform audits and investigations with increased emphasis on audits of procurement and contracting operations.

The six new positions requested consist of an Attorney Advisor, a Legal Assistant, one Investigator, two Auditors and one Secretary. These new positions are needed to implement the Procurement Practices Act of 1985. The Act expanded the responsibilities of the OIG by requiring the Office to conduct an annual operational audit of all procurement activities and to submit a report at least once every fiscal year to the Mayor and the Council. The report is to include comments, findings, recommendations, and information necessary to keep the Mayor and the Council informed of the adequacy and effectiveness of procurement operations, the integrity of the procurement process, and compliance with provisions of the Act. The Act also provides for the Inspector General to undertake reviews, investigations, and make determinations or render opinions as requested by the Director of the Department of Administrative Services. In addition, the Act requires that the Inspector General review bid invitation or solicitation cancellations and rejections.

To carry out this important mandate we have requested additional auditors and investigators to perform the auditing and investigative functions. The Attorney Advisor and Legal Assistant are needed for legal research, review, and the preparation of legal opinions on procurement and contracting matters. The Secretary will provide the necessary clerical and administrative support.

OIG plans to carry out the annual operational audit of procurement activities by performing regularly scheduled audits each year of the procurement activities of departments and agencies whose contracting officers are appointed by the Mayor under Section 105 of the Act. The audit plan of OIG will provide for time-phased coverage of the procurement activities of these contracting officers each year giving special emphasis to the city-wide procurement and contracting responsibilities of the Director of the Department of Administrative Services. An annual summary report on the results of this audit work including the scope of audit and OIG's analysis, findings, recommendations and comments on implementation and compliance with the Act as well as any additional legislation needed, will be prepared for submission to the Mayor and the Council to meet the reporting requirements of the Act.

The annual audit plan of OIG will also include audit coverage of some agencies with independent contracting authority. Agencies such as the Armory Board and D.C. General Hospital which have statutes with audit requirements assigned to OIG, will be audited periodically for compliance with applicable procurement laws, regulations and procedures. Other independent agencies will be periodically examined to determine whether their procurement activities appear to be effectively organized and controlled and otherwise within the spirit of the new legislative standards for good procurment practice.

DEPARTMENT OF ADMINISTRATIVE SERVICES

Senator Specter:
I. The Department is requesting 90 new staff positions, why?

Mr. Johnson:
I. The Department is requesting 85 new positions for FY 1987 as follows:

Administration and Program Support (Control Center 10)	15
Materiel Management Administration (Control Center 20)	17
Information Resources Management Administration (Control Center 30)	12
Buildings Management Administration (Control Center 40)	37
Real Property Administration (Control Center 50)	4
TOTAL	85

The positions requested for Administration and Program Support will provide the capability to develop and monitor assignments to office staff, administrators and office chiefs and to increase the department's ability to provide information to the public (1 position), expand the activities of the Office of Policy, Planning and Management to improve departmental programs (1 position) and to increase the automated data processing services to the Department (3 positions). Positions are also requested to implement the Materiel Management Information System (2 positions), enhance the employee training, career development and counseling services for departmental employees (3 positions) and to provide information and training in State of the Art Technology to increase performance and productivity for all District Government employees (5 positions).

The positions requested for the Materiel Management Administration will provide District-wide management of construction, supply and equipment contract solicitations (3 positions), District-wide procurement and contracting oversite (7 positions), and will develop and implement district-wide procurement and contracting career development (3 positions). The staff requested will also implement and oversee the District-wide supply, property and warehouse management systems (2 positions), and insure the Latino community access to the District procurement and contracting opportunities (2 positions).

The positions requested for the Information Resources Management Administration will provide the manpower necessary to make telephone moves and changes (11 positions); and assure compliance with the Quick Payment Act of 1984 relating to telephone billing (1 position).

The positions requested for the Buildings Management Administration will provide supervision of the Administrative Services Unit (1 position), manpower for improved management and janitorial services to District agencies (12 positions), extend the District shuttle bus service to the Frank D. Reeves Center (3 positions), and provide funding for Energy Conservation positions (2 positions). Also, the positions requested will improve security in District Government facilities (19 positions).

The positions requested for the Real Property Administration (RPA) will provide the manpower necessary to reduce the backlog of commercial appraisals and will allow RPA to remain current with the expected increase in workload (3 positions), and will provide the supervision necessary to coordinate the activities of the Real Estate Division (1 position).

Senator Specter:
2. What amount of the FY 1987 budget will be directed toward implementing new procurement procedures?

Mr. Johnson:
2. The amount of the FY 1987 budget directed toward implemention of the Procurement Practices Act of 1985 is $564,000. This amount is distributed as follows:

Increases	Positions	Amount
CONTRACT REVIEW		
DS-14 Supervisory Bulk Purchasing Specialist	1	$34,000
DS-13 Bulk Purchasing Specialist	2	58,000
DS-12 Specification Writer Specialist	2	50,000
DS-06 Secretary	1	13,000
DS-05 Clerk-Typist	1	11,000
Fringe Benefits		24,000
Contractual Services		30,000
Subtotal	7	$220,000

Increases	Positions	Amount
TRAINING & CAREER DEVELOPMENT		
DS-12 Procurement Analyst	2	$50,000
DS-05 Clerk-Typist	1	11,000
Fringe Benefits		7,000
Contractual Services		50,000
Subtotal	3	$118,000
MATERIEL MANAGEMENT INFORMATION SYSTEM (MMIS)		
DS-14 MMIS Manager	1	$34,000
DS-05 Clerk-Typist	1	11,000
Fringe Benefits		5,000
Contractual Services		100,000
Subtotal	2	$150,000
INVENTORY CONTROL SYSTEM		
DS-14 Supervisory Property Manager	1	$34,000
DS-12 Property Management Specialist	1	25,000
Fringe Benefits		5,000
Contractual Services to conduct inventory (data gathering)		12,000
Subtotal	2	76,000
TOTAL	14	$564,000

OFFICE OF THE BUDGET

SENATOR SPECTER:
1. No increase in staff is requested yet the Office seeks a 14% increase in funds. Please explain.

MR. SIEGEL:
1. Although the Office of the Budget has requested a total FY 1987 increase of approximately 14 percent, its personal services request is only 9 percent, or $145,000. This increase will provide $62,000 for two unfunded positions, $64,000 for the FY 1987 pay adjustment, and $19,000 for within-grade costs. The $62,000 requested increase for unfunded positions will permit the office to increase its FY 1986 employment level by two employees, with no increase in authorized positions. The remaining $83,000 of the requested personal services increase will enable the office to cover the additional FY 1987 costs of current employees. Finally, of the office's total $242,000 request, $97,000 is being requested for nonpersonal services. This nonpersonal services increase restores

an FY 1986 reduction of $50,000 for printing costs and provides increases of $38,000 for computer equipment maintenance, $4,000 for the inflationary cost of communications, and $5,000 for the purchase of furniture and equipment.

SENATOR SPECTER:
2. The budget estimate shows a substantial increase in the number of financial reports to be prepared or analyzed, from 550 to 650. What new reports will be prepared or analyzed?

MR. SIEGEL:
2. With an increase in both its employment level and its automated data processing capability, the office anticipates being able to monitor and analyze more often and intensively than it has in the past selected agencies, programs, and capital projects. It will devote, for instance, special attention to capital financing needs, program adjustments required to ameliorate the impact of Gramm-Rudman-Hollings, employee health benefit and retirement costs, and the personal services costs of collective bargaining agreements. Moreover, the District's Office of Financial Information Services has just developed two new monthly Financial Management System (FMS) reports that the office will incorporate in its regular analyses. Finally, the office will institute contingency savings plans for all agencies to provide an orderly budgetary adjustment process in case unfavorable changes in currently projected FY 1987 revenues occur.

OFFICE OF FINANCIAL MANAGEMENT

SENATOR SPECTER:
1. The request seeks funds to continue development of the Unified Personnel Payroll System (UPPS) began in 1986. How much has been spent in 1986 and how much is planned in 1987? What is the total expected development cost?

MR. CALHOUN:
1. The following costs have been incurred to date for the development of UPPS:

Analysis and Programming	$ 600,000
Hardware and Software	420,000
Support Services	50,000
Testing and Training	45,000
Total	$1,115,000

The costs for the remainder of Fiscal Year 1986 are as follows:

Analysis and Programming	$ 200,000
Hardware and Software	250,000
Support Services	10,000
Testing and Training	30,000
Total	$ 490,000

The projected additional expenditures for Fiscal Year 1987 are as follows:

Analysis and Programming	$ 250,000
Hardware and Software	800,000
Support Services	150,000
Testing and Training	100,000
Total	$1,300,000

The total development costs for UPPS, including the purchase and/or rental and maintenance of equipment for Fiscal Year 1987, will be approximately $2,905,000.

SENATOR SPECTER:
2. When will the UPPS be implemented?

MR. CALHOUN:
2. We are ready to implement the system changes which will be requested by the D.C. Office of Personnel (DCOP), after receipt of their final test results. To obtain a more accurate implementation date, the Director of Personnel must be consulted and their requirements must be submitted for technical review.

If the added requirements are reasonable, the technical work will be completed by early 1987. Implementation will then be totally up to the system's users (DCOP and the independent agencies). The D.C. Courts are currently building the data base with information for their agency, also concurrently testing the system on a normal user environment. Components of UPPS have been in use by isolated users (such as the Office of Labor Relations) for several months.

SENATOR SPECTER:
3. What costs will be avoided as a result of the UPPS program?

MR. CALHOUN:
3. The UPPS will not result in a tangible savings. It precludes the needless duplication of effort, because data is only entered once for each employee and is thereafter used by various subsystems. In this regard it does save costs, but since the duplication of effort is intangible, putting a dollar value on it is difficult.

The primary objective of UPPS is to develop a centralized tool for increased management of employment, employees and their attending costs. When fully operational, the position control system will permit greater responsiveness and information to enhance the decision making process. However, clerical efforts may also decrease through the elimination of duplicate work.

DEPARTMENT OF FINANCE AND REVENUE

SENATOR SPECTER:
1. The budget document illustrates a substantial increase in delinquent cases closed, however, it is still well below the 1985 level, please explain. Is there a backlog of delinquent cases?

MR. JONES:
1. The decrease in the estimated number of delinquent cases closed in FY 1986 and FY 1987 from the FY 1985 level reflects redefinition of a delinquent case. Under the old definition, any delinquent record or tax period within a particular type tax outstanding for a registered business was treated independently. Under the new definition, all delinquent records or tax periods within a tax type or business registration number will be treated as a single case, thus eliminating multiple handling or assignment of a registered business account within the department. Reflected in FY 1985 terms, the number of cases closed would have been much greater than in the previous period. Accordingly, there is no unanticipated increase in open cases.

SENATOR SPECTER:
2. Additional staff is requested to enhance enforcement efforts with an estimated revenue increase of $6.7 million. What areas will make up this increase?

MR. JONES:
2. Additional revenue of $6.7 million is anticipated from the following new programs:

- funding for eight currently unfunded tax auditor positions is expected to enable an increase of 420 audits and yield $3.3 million in additional revenue;

- the addition of five revenue officers would result in the increased collection of $1.2 million and the establishment of a criminal prosecution task force;

- the acquisition of an automated collection system, allowing virtually paperless control of accounts and automatic sequencing of cases by priority order, is expected to yield a revenue gain of $1.0 million in the first year; an additional $1 million is expected as a result of the expansion of the unclaimed property unit through increased automation and the addition of two unclaimed property technicians; and

- $235,000 in additional delinquent tax collections is anticipated as a result of the activities of two new business tax clerks and one new tax examining clerk.

OFFICE OF EMPLOYEE APPEALS

SENATOR SPECTER:

1. What is the status of undecided cases? How old is the oldest case and what is the average time from filing to disposition? Is that time lag improving?

MS. BANKS:

1. The Office of Employee Appeals (OEA) current caseload of undecided cases totals 390 appeals. The oldest cases currently on file are thirty-three appeals filed in FY 1983. However, by the end of FY 1986, the oldest cases on record will be those filed in FY 1984. At present, it takes the Office an average of twenty-four to twenty-seven months to adjudicate an appeal. These statistics are somewhat misleading in that once an appeal has been filed, it may take anywhere from five to ten months before it is assigned to an Examiner, creating the impression that it takes the Office twenty-four to twenty-seven months to adjudicate an appeal. Once an appeal has been assigned, the Office estimates that it takes approximately eighteen months to adjudicate. By the end of FY 1988, OEA feels that its caseload will be current, allowing the Office to reduce the lag time between having a case filed and assigned to an Examiner, thus establishing a true turnaround time of eighteen to twenty-two months from filing to dispostion for all appeals.

   To address OEA's concern of having cases remain on file for an inordinate amount of time, the office established a priority system for adjudicating appeals. Priorities have been established so that the Office can keep pace with removals which have the most impact on employees and the District while maintaining an orderly review process of grievances and suspensions. OEA's current priorities for adjudicating appeals and meeting its target of issuing approximately 200 decisions in FY 1986 is :

   1) adjudicate the balance of FY 1983 cases on file in the Office;
   2) the balance of FY 1984 and 1985 removals;
   3) other FY 1984 and 1985 cases

   Priorities in FY 1987 in issuing 250 cases:
   1) adjudicating the balance of FY 1984 and 1985 cases;
   2) adjudicating the FY 1986 and 1987 removals;
   3) adjudicating other FY 1986 cases

   Over the years, OEA has demonstrated the ability to effectively use its resources to achieve the highest levels of productivity. OEA has consistently met its mark in adjudicating 150, 186 and 189 cases in FY 1983, FY 1984 and FY 1985 respectively. Operating under the current budget and the funding requested in FY 1987, the Office anticipates no problem in achieving the marks established for FY 1986 and FY 1987. Charts I and II below summarize OEA's productivity over a six year period. Chart I reflects actual case productivity and Chart II represents the number of cases filed by fiscal year and the percentange of cases actually decided as of June 13, 1986, and the percentage of cases projected to be decided by September 30, 1986. The FY 1987 budget request totaling $1,112,000 represents the resources needed if the Office is to continue operating at desired levels of productivity while improving its service to the District.

Initial Decisions Case Summaries

Chart I

Number of cases decided in a Fiscal Year

FISCAL YEAR

	80	81	82	83	84	85	86*	87*
Cases Decided	0	16	36	150	186	189	200	250

* projection

Chart II

Case Summaries

Cases filed by year		% of cases decided as of 6/13/86	% of cases decided projected as of 9/30/86
1980	1	100%	100%
1981	296	100%	100%
1982	213	100%	100%
1983	131	75%	100%
1984	160	46%	66%
1985	150	19%	41%
1986	151	2%	2%

DISTRICT OF COLUMBIA RETIREMENT BOARD

SENATOR SPECTER:
1. Compare how the D.C. Retirement Board has done, in terms of rate of return, with other municipal and state boards over the past 3 years? Also, include the Dow Jones and Standard and Poors average annual rates in this analysis?

MR. REYNOLDS:
1. The attached chart outlines performance figures for the permanent fund and other indices over representative time periods.

Over the last 3¼ years, the Board's total return for the permanent fund is 15.11%. This return cannot be compared to the S&P 500 nor the Dow Jones Industrial Average because the Board's return includes that of fixed income and short term investments. In addition this time period includes two years which were before the total reorganization of the Board's investment program. This reorganization included the revision of investment guidelines and objectives, the firing of underperforming managers, and the hiring of additional managers. The Board concluded the aforementioned activities, based upon the advice of Callan Associates, the Board's investment consultant, during fiscal 1984 and 1985. As the chart depicts, the Board's performance over this 3¼ year period was greater than some indices and lagged others. The Board currently does not have a performance comparison with other public funds over this 3¼ year period.

The impact of the reorganization of the investment program is reflected in a comparison of the 1¼ year column with the 3¼ year column. The figures for the 1¼ year time period reflect the overall improvement in returns of the Board's portfolios. This is more markedly reflected in the ranking statistics indicated in the last two line items of the chart. The Board's equity managers moved from the 79th percentile to the 33rd percentile, and the Board's fixed income managers moved from the 77th percentile to the 42nd percentile. These rankings are within the Callan Associates' database.

(The chart follows:)

D.C. RETIREMENT BOARD COMPOSITE FUND

Periods Ended March 31, 1986	Last Quarter	Last 1/2 Year	Last Year	Last 1-1/4 Years	Last 3-1/4 Years
Total Fund					
Equity Designated Mgrs(1)	14.80%	33.33%	36.98%	39.35%	17.13%
Fixed Designated Mgrs(2)	7.60	15.63	29.23	24.44	14.09
Total Permanent Fund(1)(2)(3)	11.03	23.75	32.07	30.77	15.11
SO. Africa Free Index	13.16	32.11	34.89	36.44	-
Market Indicators					
Standard & Poor's 500	14.06%	33.76%	37.75%	38.59%	22.92%
Dow Jones Industrials	18.63	39.72	49.85	44.56	24.21
New York Stock Exchange	14.12	32.87	36.30	37.88	22.60
American Stock Exchange	10.24	22.65	20.22	27.77	17.84
FRMS Universe	14.73	33.96	36.85	38.46	21.63
Salomon Bond Index	10.77	24.22	42.20	34.62	19.14
Shearson Lehman Govt/Corp	8.53	16.75	28.89	24.61	16.34
Treasury Bills	1.79	3.65	7.66	7.85	9.02
Consumer Price Index	(0.62)	0.27	1.94	2.35	2.99
Capital International Index	29.83	51.23	85.36	76.32	36.27
Median Rates of Return					
Large Bank Pooled Equity Funds	14.14%	31.87%	36.11%	36.53%	20.34%
Medium Bank Pooled Equity Fnds	13.58	30.80	33.01	32.20	17.44
Insurance Equity Accounts	12.93	30.70	34.59	35.21	17.71
Growth & Income Mutual Funds	13.45	31.44	36.84	35.84	21.24
Growth Mutual Funds	15.54	32.86	36.15	35.87	17.97
Inv. Counselor Equity Oriented	14.14	32.58	37.08	37.78	21.80
Inv. Counselor Balanced	11.12	25.03	33.10	31.84	19.20
Bank Pooled Fixed-Income	7.23	14.84	27.12	23.26	15.14
Insurance Bond Accounts	7.19	15.78	26.98	22.77	15.50
Inv. Counselor Fixed-Income	7.18	15.32	28.32	24.23	16.27
Ranking (1=Best,100=Worst)					
Total Fund					
Equity Designated Mgrs(1)	40	43	46	33	79
Fixed Designated Mgrs(2)	40	45	35	42	77

(1)Includes Century Cap to 9/84. Alliance Equity Index. Wilshire Equity Index Fd fr. 10/84. Potomac Asset Mgmt fr. 9/83. ASB Cap to 12/84. Lazard Freres. Loomis Sayles-DC. Trinity Inv Mgmt fr. 8/2/85. and Denver Inv. Hahn Holland. Wheat Inv from 11/85 and Alliance Capital through 11/85.

(2)Includes Judges Bd Fd to 6/84. Teachers Bd Fd to 9/84. T.Rowe Price Bd Index fr. 10/84. Amer Security fr 8/85. Neuberger & Berman fr. 9/85. Riggs Natl to 8/85. S.C. Bernstein from 10/17/85 and T. Rowe Price through 10/17/85.

(3)Includes ASB Short Term to 4/85. State Street Short Term to 6/85 and Natl Bk of Wash from 6/85.

SENATOR SPECTER:
2. Has the Board itself or an independent body analyzed the effect, if any, of divestiture of equities in firms doing business in South Africa? If so, what did it draw?

MR. REYNOLDS:
2. The Board has not conducted any study on the effect of divestiture on the performance of the equity designated assets. There have been many articles/studies on the impact of divestiture on the available universe of securities but the Board is not aware of any on the actual impact on investment performance.

A key aspect of any study on the impact of divestiture on investment performance is the speculation of whether an investment manager's choice of a particular security is based solely upon his/her inability to choose another security because of the divestiture legislation. This process is highly conjectural in the best of circumstances.

Such a study would also require an analysis of asset allocation patterns which could involve assumptions of asset class exposure (equities, fixed income, real estate, etc.) and "style diversification" within asset classes. These concepts allow for portfolio participation in diverse sectors of the market during a complete market cycle. These asset allocation decisions are critical to any style.

SENATOR SPECTER:
3. What is the status of the law suit against the Federal government? What have been legal expenses related to this suit to date and what are they estimated for FY 1987?

MR. REYNOLDS:
3. On November 15 and 18, 1985, the Board filed complaints in the United States Court of Claims (No. 674-85C), and in the United States District Court (C.A. 85-3693) to address the unfunded liability problem. The Board is seeking approximately $5.7 billion. The amount represents the present value of the Funds' unfunded liability (approximately $5.3 billion); the amount of the present value of employee contribution to the Funds which the federal government failed to transfer from the U.S. Treasury to the Board (approximately $359 million); and the present value of the amount by which the defendents annual payments have failed to meet its statutory funding obligations under the Reform Act (approximately $15 million per year). Stays were granted by both Courts to allow the parties time to negotiate.

In April the District Court's stay was lifted. The Court ordered that the Government file dispositive motions by May 21, 1986. On May 21 the Government filed a motion to dismiss or in the alternative, for summary judgment and a Memorandum is Support thereof. The Board's Counsel filed a memorandum of points and authorities in opposition to the Government's motion on June 9, 1986. We are now awaiting action from the Court.

The legal expenses related to the suit through May 30, 1986 were approximately $296,185.76. This amount includes the initial research to determine whether a cause of action existed. The Board has budgeted $200,000 for legal expenses for fiscal year 1987.

DEPUTY MAYOR FOR ECONOMIC DEVELOPMENT

SENATOR SPECTER:
1. The Deputy Mayor for Economic Development is responsible for planning to meet economic goals and objectives. What are the 5 top priority goals of the District in FY 1987 and what strategies does this budget contain to meet those goals?

MR. McCLINTON:
1. The 5 top priority goals of the District and the strategies to meet those goals in FY 1987 are as follows:

a. Neighborhood Revitalization - The major project underway in the effort to stimulate economic development activity in District neighborhoods is the Neighborhood Partnership Program. The program is designed to focus attention and resources on identifying and implementing development opportunities in the wards, targeting its initial concentration on the more traditionally underserved Wards 6, 7, and 8.

Each partnership consists of representatives of District agencies whose primary focus is economic development, ward residents and businesspersons. The Deputy Mayor for Economic Development and respective councilpersons act as co-chairs.

Partnership will involve the following:

1) requesting and prioritizing development opportunities by ward

2) surveying business in neighborhood commercial areas

3) designing and conducting business technical assistance workshops

4) designing facade improvement program
   - working with business on facade standards

5) providing site offices through Office of Business and Economic Development to offer technical and financial assistance to local ward businesses

Each partnership will continue to meet on a regular basis to review the progress/status of priority projects and recommend and explore additional development opportunities. Staff will continue to implement the projects and work with businesses and residents.

b. Industrial Park Strategy - The Industrial Strategy forms a major component of the District's Industrial Development Policy. Conceived under the auspices of the Mayor's Three Year Economic Development Strategy and the District's Comprehensive Plan element that addresses Development Production and Technical Employment Centers, the Industrial Strategy encompasses several actual phases.

For example, the District took an active role in spurring the revitalization of the Capital City Market, its oldest food wholesaling area. In addition to reconstructing streets and recommending traffic pattern changes to reduce congestion, staff will be working closely with businesses to do a clean-up fix-up program, provide updated signage and marketing techniques, etc. Also important is the effort to provide expansion space for business and to attract new business by assisting in the construction of a 60,000 S.E. warehouse facility funded with public and private resources.

Additionally, the District acquired 27 acres of vacant industrial zoned land to provide developable space for business expansion, relocation and attraction. As the first of its kind sponsored by the District government, the Capital City Business Industrial Park (CCBIP) provides a competent team of technical staff to assist business in leasing parcels to suit their specific construction needs as well as making available various financial programs, i.e., IRB, CDBG loans, revolving loan fund, etc. By maintaining a lease relationship, the District is able to subsidize a variety of costs such as infrastructure, landscaping, below market rents, etc. to help make development feasible to the owner competitive with surrounding suburban jurisdictions.

As well as provide a first class industrial park environment financial, the CCBIP represents only the first phase in the Industrial Strategy. Staff will analyze three additional sites that provide enough land mass to justify consideration as business industrial parks. The District also recently passed a bill legislating the creation of business incubator space and staff is exploring the adaptive reuse of several structures as well as the potential of new construction of incubator space in one of the proposed parks.

The Deputy Mayor for Economic Development is currently working within the Economic Development Cluster and with other District agencies who support economic development projects to coordinate both staff and financial resources of the public sector to enhance this effort. Additionally, priority attention is delegated in attempts to leverage the injection of public dollars to generate as much private investment as possible. Relationships have been established and will continue to be expanded with private commercial lending institutions to spur their commitment to the District's goal of increasing jobs and training opportunities for residents to make D.C. an attractive and economically feasible place to conduct business.

c. Maximizing Under-utilized Development of Land

1. Camp Simms - The Camp Simms Military Reservation at 15th and Mississippi Avenue, S.E. is a 25 acre tract in Ward 8 purchased by the District in August 1984 from the General Services Administration (GSA). Through the District's Department of Housing and Community Development, a Request for Proposal (RFP) was issued for the development of a neighborhood commercial/retail center, medical facility and approximately 145 units of housing.

Three (3) prospective developers responded to the RFP and their proposals are presently under review by the appropriate District agencies in coordination with a local community advisory group.

This economic development activity is a major goal of the Office of the Deputy Mayor for Economic Development and will provide services to the residents of Ward 8, creation of job opportunities and an opportunity for a minority developer to have an equity participation in the development.

NEXT STEPS

- Staff will complete the technical review of the proposals received.
- A recommendation will be made to the Mayor for the designated developer.
- Development rights and the transfer of title will be issued to the successful developer.
- Development will begin.

2. St. Elizabeths Hospital - In accordance with the St. Elizabeths Hospital and District of Columbia Mental Health Services Act, the District of Columbia Government is charged with the responsibility for developing a comprehensive proposal for the eastern and western portions of the St. Elizabeths site. The Mayor has proposed that the portion of the site east of Martin Luther King, Jr. Avenue (eastside) and the laundry and steam plant (westside) should serve as an institutional and administrative human services center and the headquarters of the Mental Health Commission. This proposed use is detailed in a Preliminary System Implementation Plan for the east side. The portion of the site to the west of the Avenue could be develolped more intensely, with hospital related or non-hospital related uses. The general land use objectives for the western portion of the site are:

    A) To generate for the District, the most favorable economic and community benefits, both direct and indirect, from the use of the remaining land.

    B) To ensure that any proposed use for the remaining land is appropriate for, accessible to, compatible with, and beneficial to the surrounding community.

    C) To ensure that any proposed use is consistent with the District's compliance with the St. Elizabeth's Hospital and District of Columbia Mental Health Services Act, Public Law 98-621 (PL. 98-621 or the 'Act').

    D) To ensure that any proposed use of the land is consistent with the preservation of the historic buildings and other unique features of the site.

To formulate land use objectives for the Western Portion of St. Elizabeths Hospital, the Mayor organized a task force of private sector organizations and companies. The task force is charged with the responsibility for developing recommendations based on the land use objectives listed above.

To fulfill its mission, the task force issued a Request for Expressions of Interest (REI) for the Redevelopment of the Western Portion of St. Elizabeths Hospital. The response date for the REI is August 11, 1986.

NEXT STEPS

- Task force review of responses to REI
- Submission of task force recommendations to the Mayor
- Mayor's Report (Proposed Use) to the City Council
- City's recommendation to Congress

3. Capital Point/Buzzard Point - Three efforts are underway in this area: (1) the proposed Buzzard Point/South Capitol Street Redevelopment and Feasibility Study; (2) a private development proposed by PEPCO; and (3) the General Service Administration's Master Plan for the Navy Yard.

The District's Office of Planning has proposed a Buzzard Point/South Capitol Street Redevelopment Feasibility and Planning Study which has as its primary purpose the preparation of a development/redevelopment plan and implementation package for the 110-acre Buzzard Point/South Capitol Street study area. The total study effort is expected to take 12 months to complete. Major tasks to be undertaken during the study include:

1. market and demographic analysis;
2. review of current conditions and development plans for the area;
3. environmental impact assessment;
4. generation and evaluation of alternative redevelopment schemes;
5. selection and further development of chosen redevelopment scheme; and
6. preparation of development package and an implementation mangement scheme.

Next Steps

- Depending on available funds for the study, the Request for Proposals is expected to be advertised for bids in Spring/Summer 1986 and is now in final draft. PEPCO plans to submit a request for rezoning of the land by Mid-Summer 1986. That request will be for a change to W-3 (Waterfront) from C-M-1 and M Zoning. The preliminary plan indicates a mixed-use development with office, housing, hotel and retail uses, staged over a 20-year period.

- During the first five years, PEPCO plans to build a new headquarters facility of 600,000 square feet. This will be followed by a hotel, offices and related retail.

d. Linking Capital and Credit to job creation (i.e. Interstate Banking) - The Office of the Deputy Mayor for Economic Development continues to use the goal of linking capital and credit to job formation as a major criterion in any plan involving financial institutions.

This goal is highly emphasized in all negotiations with financial institutions seeking to enter the District market. While all efforts are being made to develop the District as a major center of domestic and international finance, these efforts are balanced with the local creation of jobs, minority and small business access to capital, and development of quality housing at all income levels.

Toward this end, the office is attempting to recognize the wide variation in the types of banks that are responding to the District's potential as a finance center, and to work with these institutions, some of which are quite specialized in tailoring appropriate community reinvestment strategies that maximize the benefits a particular institution can offer the city.

Commitments are now being obtained that bring the city closer to the successful balancing of these goals. Prospective financial institutions are examining a wide range of community development measures including involvement with the Economic Development Finance Corporation, underwriting and/or purchasing industrial revenue or similar bonds issued by District agencies for public purpose projects, financing residential development and mixed-use projects, rehabilitation loans for multi-family units in designated target areas, internship and job-training programs, contracting with minority-owned and women-owned firms for services and supplies, and participation in community development projects of a size that local bank resources would fall short of.

As this policy is pursued, the gains in job creation and access to capital are expected to make a tremendous improvement in the lives of all District citizens.

SENATOR SPECTER:

2. The Office of Planning shows a reduction of 15 in economic development projects to be reviewed. Why is that?

MR. McCLINTON:

2. In FY 1987 many of the major economic development projects coordinated by the Office of Planning will have gone beyond the

planning stage and into development programming, and project implementation. For example, final plan studies for Eastern Market, D.C. Jail Site, W Street Industrial Park, Glen Dale, St. Elizabeths, Chinatown, Capital City Market, Housing Linkages, and the Georgetown Parking Plan will be finished in FY 1986.

The Office of Planning has focused on increased activities related to completion of the ward plans. The ward plans are a key component of the District's planning process. They will in part provide the link between the general Comprehensive Plan policies and maps and specific actions for both public and private decision making concerning land use, community and economic development opportunities in individual neighborhoods.

The Office of Planning will continue to coordinate activities that benefit all wards and neighborhoods and support the District's efforts to promote the local economy, attract new businesses, encourage housing and neighborhood development, and expand the employment base for residents; as well as advise on policy and development matters and on zoning to underwrite economic development strategies.

OFFICE OF BUSINESS AND ECONOMIC DEVELOPMENT

Senator Specter
1. After adjusting for the non-recurring $4 million FY 1986 appropriation to capitalize the Economic Development Finance Corporation the OBED budget is proposed to increase by 67%. Explain the areas where increases occur?

Mr. Holman
1. The Office of Business and Economic Development (OBED), FY 1986 Congressionally approved budget was $9,313,000. OBED's FY 1987 budget request is $5,830,000. This is a net decrease from FY 1986 of $3,483,000 but represents an increase of $517,000 and 12 authorized continuing full time positions and a base reduction of $4,000,000. The base reduction of $4,000,000 consists of a $3,000,000 base reduction for the Economic Development Finance Corporation and for $1,000,000 reduction in the Business Purchase Assistance Program.

The $517,000 is comprised of $48,000 increase for FY 1987 pay adjustments, $31,000 for increases within grades, $43,000 increase for annualizations, $251,000 for increases in staff, $28,000 increase for the D.C. Chamber of Commerce, $100,000 increase for OBED's commercial revitalization efforts and an increase of $16,000 for office supplies, equipmentand communications. After adjusting for the $4,000,000 base reduction, OBED's budget request for FY 1987 represents a 9.73% increase over its FY 1986 authorized budget. The staff increases are reflective of the significant increases in loans and development activities in the neighborhoods generated by newly established neighborhood site offices.

Senator Specter
2. Describe the first year activity of the Economic Development Finance Corporation will funds beyond the $4 million be required?

Mr. Holman
2. The Economic Development Finance Corporation's (EDFC) primary focus during its first year was spent seeking funds to assist in its capitalization from the private sector and identifying individuals to sit on its board of directors. More than $1 million in private sector funds have been committed and the solicitation is continuing. A board of directors and officers have been established for the EDFC.

Additional funds to assist in capitalizing the EDFC will be required. OBED's FY 1987 budget request includes a request for $1 million to continue the capitalization of the EDFC. It is expected that EDFC will become operational this year. Financial advisors have been selected on an interim basis and rules are being prepared.

MINORITY BUSINESS OPPORTUNITY COMMISSION

SENATOR SPECTER:
1. The MBOC is asking for an increase of $300,000 and a doubling of positions in FY 1987. Please explain the new initiatives that are contemplated?

MR. JAMESON:
1. The additional resources requested will enable us to establish a small business development unit to provide technical assistance in house, through community assistance centers, and through cultivated resource networks. We will also work with District agencies to identify how their procurement requirements can be better met utilizing MBEs, while we would be better able to ensure that the MBEs are fully capable of providing the goods and services for which they are certified.

SENATOR SPECTER:
2. What accounts for the increase from 500 to 600 the expected number of firms seeking certification? What minority categories qualify for assistance?

MR. JAMESON:
2. The small business development staff will actively "recruit" firms for certification through the community assistance centers. We will establish a referral service for application for certification at each center, as well as extending a network among other entities that certify minority businesses (e.g., U.S. DOT, WMATA, State of Maryland, etc.). We envision these efforts will enable us to realize this significant increase in the number of firms certified. "Minority", as defined by the Minority Contracting Act of 1976, as amended, applies to Black Americans, Native Americans, Hispanic Americans, Asian Americans and Pacific Islander Americans. Any such minority business enterprise may be eligible for MBOC certification.

D.C. HOUSING FINANCE AGENCY

SENATOR SPECTER:

1. What effect has falling interest rates had on the operation of the HFA? Have interest rates you charge come down, are you able to make more loans?

JEROME SHUMAN:

1. The overall effect of rapidly falling interest rates has, over the short term, been disruptive. The reduced competitiveness of Agency financings has resulted in a corresponding decrease in the Agency's anticipated levels of loan volume, unit production,as well as, the amount of income available to supplement the costs of Agency operations.

   However, the net effect on each program varies with a number of factors some of which are subject to corrective action by the Agency; others of which are beyond its control.

   MULTI-FAMILY

   Declining interest rates have had both negative and positive consequences for the Agency's Multi-Family Program. The advantages include the following:

   ° projects already within the Agency's pipeline are now able to secure lower permanent financing rates that, in turn, result in notable savings in development costs.

   ° FHA-backed developments have greater ease in attracting cash to cover transaction costs.

   ° Developments backed by LOC's qualify for longer mortgage periods and/or larger mortgage amounts.

   On the negative side, developer interest in new HFA multi-family financing has eroded as the spread between taxable and tax exempt rates has narrowed.

   SINGLE FAMILY

   The effect of the decline in interest rates has been a reduction in the Agency's ability to attract new mortgage purchasers. Be-cause the Agency's single-family bonds are issued within an origination timetable, the Agency is unable to quickly adjust its interest rates so as to retain a competetive market position.

   The origination period for the Agency's current 10.75% bond issuance extended from February 6, 1985 to July 1, 1986, a period during which market rates fell rapidly.

   Interest rates charged by the Agency have not yet been reduced. While single-family loan volume is down, the Agency continues to originate a number of cooperative share loans. In order to in-sure that we remain competitive, the Agency is exploring refund-ing methods attempted by other HFA's. Because the Agency did not begin its single-family operation until 1984, it has not yet acquired the level of reserve funds that more mature agencies have to buy-down interest rates.

SENATOR SPECTER:

2. Program measures accompanying the budget show that multi-family loans continue to rise while single family loans are level. Please explain? What efforts are made to seek out single family home ownership opportunities.

JEROME SHUMAN:

2. The budget shows a rise in multi-family loan commitments and a leveling of single family loans for the following reasons:

- High taxable interest rates combined with an Agency push to fund 80/20 projects (particularly occupied projects under the 223(f) program) created a strong pipeline and developer awareness of the Agency. The dramatic rise in multi-family volume projected for FY'86 resulted from the Agency's, December, 1985 pooled bond issuance of $59.6 million for 6 developments under the Agency's Multi-family Forward Commitment Program.

- Single-Family Program projections were prepared in the shadow of HR3838 which would have apportioned a maximum of $28 million for single-family bonds. Based on our previous experience, we anticipated that loan purchases would continue through the end of the origination period in early FY'87. The FY'86 and FY'87 projections are therefore realistic in light of Agency experience and the anticipated allocation limit. The added uncertainty of tax legislation governing the issuance of these bonds hampered the Agency's ability to issue new bonds at a lower interest rate.

- Since December, 1985, Single-Family mortgage volume has dropped dramatically from an average of $2.3 million per month to under $400,000 in commitments. This activity has primarily been devoted to originating and servicing cooperative share loans. The Agency is in the process of structuring a refunding of its 1984 single family bond issuance. Refunding will result in a lowering of interest rates on single family loans which should, in turn, permit the Agency to capture a share of the increased market activity associated with the general decline in interest rates.

The Agency continually seeks out and examines innovative techniques for increasing its capacity to generate low cost capital for homeownership while it simultaneously colaborates with other public and private sector entities to simplify the process and reduce the financial burden of acquiring a home under its existing program.

In order to strengthen present service delivery, we undertake the following activities on a continual basis:

- Advertise the availability of funds through radio, television, information mailings and signs on the Metrobus.
- Visit community groups to discuss the program and homeownership opportunities.
- Contact realtors to inform them of the Agency's programs and encourages them to identify properties within the programs sales price limitation of $110,000.
- Serve as a provider of cooperative share loans.
- Coordinate with non-profit housing groups that provide low-cost rehabilitated housing to assist prospective low income home purchasers.
- Provide prospective purchasers information regarding income and downpayment requirements etc., and counsel individuals on the processes involved in purchasing a home.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

SENATOR SPECTER:
1. Please explain the need for an increase in staff of 97 positions?

MR. MURRAY:

1. The staff increase requested will enable the department to implement major program initiatives relating to recent legislative mandates such as the DCRA Civil Infractions Act, the Health Occupations Revision Act, and the Rental Housing Act of 1985. The programs will have a significant impact upon business and the consumer public communities as well as increase District revenues. The department will also improve current services and capabilities in vital areas such as insurance regulation, alcoholic beverage control inspections, health care and social service facility regulation, and the environmental control program.

SENATOR SPECTER:
2. What is the reason for the expected decline in professional licenses issued or renewed?

MR. MURRAY:
2. Most licensing professions in the District have a biennial licensing cycle, with more licenses being renewed in even years than odd. Overall license renewals have increased by approximately ten percent. We are projecting a greater increase than that in fiscal 1987 due to a number of new licensing

categories. As such there is not a decline projected in the professional license category.

SENATOR SPECTER:

3. DCRA expects building inspections to increase by 18%, yet the Office of Planning expects economic development projects to decline. Please explain why inspections will increase?

MR. MURRAY:

3. The department's projections for increased building inspections in FY 1987, reflect increased capabilities in areas of current deficiency, such as mechanical inspections and boiler inspections, as well as expected cable television construction. The increases reflected therefore are not a direct result of the number of development projects but more reflective of increased capability to address mandated levels of inspectional activity.

COMMISSION ON LICENSURE TO PRACTICE THE HEALING ART

SENATOR SPECTER:

1. What percentage of licenses are audited each year to insure that they are complying with District law and regulation? How are these audits performed?

DR. BARRINGTON B. BARNES:

1. The Commission on Licensure to Practice the Healing Art does not have procedures to audit licenses each year to insure that the licensees are in compliance with the District of Columbia laws and regulations. However, this does not mean that physicians are not being audited.

At this time, the Commission on Licensure to Practice the Healing Art has two full time investigators. Both investigators, while performing investigations on the complaints submitted to the Commission, do go into the offices of physicians and inquiries are made at that time.

We must also remember that the District of Columbia is a small area in which there are approximately 3,500 practicing physicians and that most have hospital privileges or are employed in hospitals. The procedure used to grant or approve privileges is one of the best methods in place to indicate that a practicing physician is in compliance with the District of Columbia laws and regulations.

There are other investigators in the field from other District and Federal agencies checking on the prescribing habits of physicians such as the Drug Enforcement Administration, the Diversion Investigation Unit of the Metropolitan Police Department and investigators from the Department of Human Services checking on Medicare/Medicaid, as well as the investigators from the Pharmaceutical and Medical Devices Control Division of the Department of Consumer and Regulatory Affairs, all of whom the Commission's investigators are in contact with and information is shared.

METROPOLITAN POLICE DEPARTMENT

SENATOR SPECTER:
1. One of the new initiatives in the FY '87 budget is the planned deployment of mobile mini-police stations in high crime communities. How many trailer-type units will be purchased, how will deployment be made, how and from where will they be staffed?

CHIEF TURNER:
1. The department has purchased three trailer-type units for use in high crime communities (There are no immediate plans to purchase any additional trailer-type units). A trailer-type unit is shared between the First and Second Districts. The trailer is alternately located at North Capital Street and Hanover Place, Northwest, in the First District on Sunday through Thursday and at Wisconsin Avenue and M Street, Northwest, in the Second District on Friday and Saturday.

The Sixth District's trailer is positioned at the intersection of Southern and Central Avenues, Northeast. One officer is on duty per eight hour tour of duty. The Seventh District's trailer-type unit is located at Martin Luther King Jr. Avenue and Parkland Street, Southeast. Two to three officers are assigned from 3:00 p.m. to 11:00 p.m., Monday through Sunday. All manpower is supplied from each respective police district as needed.

SENATOR SPECTER:
2. Crime-prevention plans will be directed toward specific categories of crime for enforcement, which categories?

CHIEF TURNER:
2. The specific crime prevention categories the department has adopted are contained within the P.A.C.T. (Police and Citizens Together) program. Those categories are:

1. Neighborhood Anti-Burglary Program (NAB): Is designed to coordinate the existing Neighborhood Watch Program and activities into a more comprehensive and more efficient crime-prevention operation to reduce the incidents of burglary.

2. Citizens Automobile Identification Program (Citizens A-ID): This program involves the etching of the vehicle identification number (VIN) on all glass window surfaces to deter theft by the professional auto thieves. The department currently has several new technologies under review for future use in this program category.

3. Drug Busters Program: This is a program to coordinate new youth and drug awareness program under the slogan "Be A Drug Buster." The program's goal is to deter students in this community from experimenting with drugs.

The program expands the Officer Friendly Program through the use of "Officer Mac", (a mechanical robot) to make presentations to children and distributes trading cards. The Drug Busters Program is also enhancing youth awareness services to District young people.

SENATOR SPECTER:
3. Explain the purpose and goals for the proposed Housing Security Program? Why is this program funded by the MPD and as an initiative of the Department of Housing and Community Development? Does DHCD have a public housing security force?

CHIEF TURNER:
3. The purpose of the public housing security program is to provide police presence and visibility in specific public housing developments where high levels of drug and other crime-related activities are prevalent. The officers assigned to this program patrol the complexes, respond to complaints, conduct surveillances, and make narcotic arrests.

The goal of the public housing security program is to disrupt and deter the distribution of drugs and to lessen the criminal activity that has plagued these areas of the District of Columbia.

The Metropolitan Police Department has the obligation to respond to all areas of the District of Columbia. It is responsible for providing order maintenance, deterring drug trade and displaying high visibility in any communities confronted with increased disorder and crime.

The Department of Housing and Community Development does not have a public housing security force.

SENATOR SPECTER:
4. Increases are projected for the uniform and equipment inventories. Will stocks be adequate to meet all requirements during the year?

CHIEF TURNER:
4. Yes, the increase will provide funding to maintain adequate stock levels for the uniform and equipment inventories.

SENATOR SPECTER:
5. Are all 3,880 uniform police officer positions fully funded? If not why not, since this is suppose to be an average figure, and what would it take to fund these positions?

CHIEF TURNER:
5. No, the FY '87 budget only provides funding for 3,855 positions. If the additional 25 uniform officer positions were fully funded, it would cost an additional $792,875. This figure covers the average officer's salary plus fringe benefits.

SENATOR SPECTER:
6. What is the current average time between a 911 call being received and the time a person comes on the line? What was it a year ago, what is the estimate in 1987? Is there a national average to compare to?

CHIEF TURNER:
6. The current average time between a 911 call being received and the time a person comes on the line is 8.5 seconds. In prior years this information was not captured. Our goal for fiscal year 1987 is to decrease the current average of 8.5 seconds to 6.5 seconds. The Enhanced 911 Management Information System is relatively new and only twelve cities have an Enhanced 911 System. Consequently, there is no national average available to make a comparison.

D.C. FIRE DEPARTMENT

SENATOR SPECTER:
1. The budget document states that the Fire Fighting and Ambulance Divisions will benefit from improved communications. Please elaborate.

CHIEF COLEMAN:
1. By 1981, the emergency voice fire alarm system which replaced telegraph fire alarm boxes with the voice telephone succeeded in reducing false alarms from a high of 15,407 in FY 1976 to a level that has consistantly remained well below 2,000 (1,364 in FY 1985). This made the fire company rescurces that had been occupied with false alarms available to respond to emergency medical calls in support of the ambulance service. The advantage of this is that a larger number of trained and well equipped personnel can arrive on the scene of a medical emergency much faster than was possible when just ambulances were dispatched. Five companies are now responding to approximately 20,000 of these calls each year.

This expanded service requires a great deal more coordinating radio traffic.

At the same time the number of ambulance calls was increasing dramatically, and so was the number of ambulance units authorized to handle them. In FY 1980, 89,687 incidents were handled by 14 ambulances. In FY 1987, we expect 106,000 incidents to be handled by 22 units.

Recognizing that the increased level of service would require more communications services, the department reorganized Fire Alarm Headquarters in FY 1981. The number of workstations staffed was increased from six to nine. Positions were authorized for these workstations in FY 1983 (10), and FY 1986 (5); however, in the intervening years, we have found that the five positions per workstation ratio allowed is not adequate to keep the workstation staffed 24 hours a day, seven days a week. Therefore, additional positions have been requested to increase the staffing ratio to six to one to reduce the heavy reliance on overtime.

Washington has a growing Latino community whose Spanish language requirement must be addressed separate from that of the English speaking majority. Three bilingual positions are requested for that.

The District has initiated a program to prioritize ambulance calls so those most seriously injured will receive an immediate and adequate response to their needs. This dispatching requires more and intense conversation with callers. To ensure that this is done efficiently, the inordinate amount of overtime which was exhausting dispatchers is being eliminated with additional staff.

SENATOR SPECTER:

2. The request calls for an increase of 80 positions in the department. Are all of the positions related to the full timing of the Hazardous Materials Unit or are some for other divisions?

CHIEF COLEMAN:

2. Only 21 of the requested 80 positions will be used to provide full-time staffing of the Hazardous Materials Unit. Twenty-five of the other will establish a firefighter cadet program. Seventeen will improve the staffing on emergency ambulance units and the remaining 17 will provide additional fire and ambulance dispatchers.

SENATOR SPECTER:

3. You also expect the number of fires to decline in FY 1987 as you predicted in FY 1986. What has the experience to date been in 1986, and what is the basis for your estimate for 1987?

CHIEF COLEMAN:

3. When making a comparison of the fire experience over the past several years with the exception of FY 1985, there has been a steady decline in the fire experience in the District of Columbia. The fire experience to date for FY 1986 is listed below as of June 13, 1986.

FY 1986 Total Incidents		13,775
Total Fires	1,094	
Total Non-Fires	6,204	
False Locals	179	
False Box Alarms	22	
Unknown Alarms	73	

Compare these facts with the requested increase in the inspectional staff, better code compliance, more rigid codes and the installation of state-of-the-art detection systems, together with the latest fire suppression systems, it is expected there will be as much as a ten percent drop in the total number of fires experienced in FY 1986, as well as FY 1987.

In conclusion, it is anticipated that the inflationary spiral will decline and that with this decline, the fire loss will also drop for these periods.

SENATOR SPECTER:

4. Ambulance runs continue to rise by 5% per year. What type of service is the fastest growing required?

CHIEF COLEMAN:
4. The Emergency Ambulance Division has noticed a significant increase from the second quarter to date on the following persons treated and transported:

1. Motor Vehicle Accidents
2. Cardiac Problems
3. Hypertension
4. Seizures

SENATOR SPECTER:
5. What additional equipment, such as breathing masks, will be required as a result of expanding the department manpower?

CHIEF COLEMAN:
5. Unit equipment, such as the self-contained breathing apparatus, is already in place on the Hazardous Materials Unit since it is already operating on a part-time basis. A request of $56,000 has been made to provide the personal uniforms and protective clothing for the new positions. We estimated that it takes $1,200 to outfit a firefighter and $800 to equip an emergency medical technician or dispatcher. At these rates, the total cost will be $82,400; however, the 25 cadets will not need the full ensemble until their second year in FY 1988.

SENATOR SPECTER:
6. In Fiscal Year 1986, the Congress requested that Engine Co. No. 3 on New Jersey Avenue, N.W. remain open and that the city proceed with plans to open a new station in Anacostia. What is the status of the Anacostia station and what are the city's intention on Engine Co. No. 3 in FY 1987?

CHIEF COLEMAN:
6. The new Anacostia station at 1st and Atlantic Streets, S.E. is currently scheduled to be ready in August 1986, but no final decision has been made as to what units will be located in it. With regard to Engine Company No. 3 on New Jersey Avenue, the District will comply fully with all congressional mandates concerning this station.

Police and Fire Retirement System

SENATOR SPECTER:
1. Will the $111,800,000 request be adequate for the year? What is the reason for the decrease from 1986?

MR. REYNOLDS:
1. The annual Police and Fire Retirement Systems budget request consists of a Net Pay-As-You-Go component (used to pay current retirement benefits) and an Inflation/Amortization component which is the actuary's estimate of the amount necessary to maintain the Police Officers and Firefighters Retirement Fund's unfunded liability at a constant level in "1979 dollars." These amounts are determined by the Board's actuary and certified by the Board for inclusion in the appropriation request. For fiscal year 1986, the amounts appropriated were revised by the Board's new actuary and a revised certification submitted by the Board for inclusion in the FY 1986 supplemental

budget of the District. The following table depicts the original components of the request and their revisions:

($ in thousands)

Component	FY1986 Appropriation	FY1986 Supplemental Request	FY1987 Request	Difference Between FY86 Supplemental and FY87 Request
FY81, 82, & 83 shortfall payment	$ 1,640	$ - - -	$ - -	$ -1,640
Net-pay-as-you-go	103,600	94,000	101,600	+7,600
Inflation/ Amortization	10,400	9,400	10,200	+ 800
Total	$ 115,640	$ 103,400	$111,800	$ +6,760

The FY 1987 budget request shows a decrease in the Net Pay-As-You-Go and Inflation/Amortization components if compared to the original FY 1986 appropriated amounts. However, comparing the components of the FY 1987 funding request to the revised amounts included in the FY 1986 Supplemental budget request, currently being considered by the D.C. Council, they show increase of $7.6 million and $ .8 million in the Net Pay-As-You-Go and Inflation/Amortization components respectively. These increases correspond to expected increases in the retirement rolls and cost-of-living increases which annuitants will receive during FY 1987.

SENATOR SPECTER:

2. Please explain the $10,200,000 portion that is for "Inflation/ Amortization".

MR. REYNOLDS:

As stated in the previous answer, the "inflation/amortization" portion of the budget request represents the Board's actuary estimate of the amount necessary to maintain the Police Officers and Firefighters Retirement Fund's unfunded liability at a constant level in "1979 dollars". However, section 142 of the D.C. Retirement Reform Act (P.L. 96-122), limits the "inflation/amortization" portion to 10 percent of the Net Pay-As-You-Go estimate of a given fiscal year. Accordingly, the Board's actuary has determined that 10 percent of the $101.6 million request for the Net Pay-As-You-Go portion is $10.2 million.

OFFICE OF THE CORPORATION COUNSEL

SENATOR SPECTER:

1. The budget document reflects a loss of 6 positions and $228,000 for Federal sources. What were these positions and how will the loss be accommodated?

MR.SUDA:

1. The six federally funded positions under the Federal Grant for Habitual Serious and Violent Juvenile Offender Program include: four trial attorneys, one analyst and

one secretary. These positions will be absorbed in the Fy 1987 budget by leaving position vacancies open.

SENATOR SPECTER:
2. Increases are requested for expert witnesses, depositions and transcripts, how much for each?

MR. SUDA:
2. $28,000 is requested for expert witness, deposition and transcripts. Of that, $12,000 was requested for expert witnesses, and $16,000 for depositions and transcripts. The increase in costs for witnesses, depositions and transcripts is for increased litigation activities over the year. In addition, in the past this item was not adequately funded.

SENATOR SPECTER:
3. Explain the increased need for contractural services?

MR. SUDA:
3. The increase for contractual services is for the child abuse diagnostic services contract. The requested increase of $13,000 will provide for an increase from three diagnostic evaluations per week in FY 1986 to four in FY 1987.

SENATOR SPECTER:
4. The number of suits continues to rise. What type of suit is most prevalent? How are most settled?

MR. SUDA:
4. The most prevalent type of lawsuit is the personal injury tort case. As is true in tort litigation throughout the country, a large percentage of the cases (i.e. claims and lawsuits) are settled by negotiation prior to trial. In FY 1985, 607 tort claims and lawsuits were settled by negotiation, for a total settlement expenditure of $2,932,708. Thus, the average settlement was approximately $4,800.

SENATOR SPECTER:
5. What is the status of the Habitual Serious and Violent Juvenile Offender program, currently funded by the Federal Office of Juvenile Justice and Delinquency Prevention? How many staff are involved in this program at what cost?

MR. SUDA:
5. The District of Columbia's Habitual Serious and Violent Juvenile Offender Program will continue to receive Federal funding through October 26, 1986. Since the Program has clearly met its objectives in enchancing the overall effectiveness of the juvenile justice system and in increasing public protection from dangerous repeat offenders, the Office of the Corporation Counsel is committed to continued funding of the Program once Federal assistance ceases.

Funding is already provided for one attorney/supervisor who devotes 80% of his time to the Project. Additional funding would be required to maintain current staff levels consisting of four trial attorneys, one data analyst, and one clerical employee. The anticipated cost of continuing these positions is $192,525.00 per year, calculated at current levels of employee compensation.

PUBLIC DEFENDER SERVICE

SENATOR SPECTER:
1. Provide comparative data over the last two fiscal years on caseload.

MS. LONG:
1. Comparative data for fiscal years 1984 and 1985 on attorney caseload is reflected in the chart below.

COMPARATIVE DATA ON NEW CASES RECEIVED

	FY 1984	FY 1985	%Change
Adult Criminal			
Felonies	649	483	-25.6
Misdemeanors	179	254	41.9
Fugitives	7	11	57.1
Other & Post-Conviction	272	355	30.5
Family Division	622	433	-30.4
Mental Health Division	816	770	-5.6
Appellate Division	124	145	16.9
Total	2,669	2,451	-8.2

The percentage decrease in felony cases received by PDS attorneys is directly related to the dramatic increase in the number of cases proceeding to trial by jury. The number of felony jury trials increased from 79 in FY 1984 to 123 in FY 1985 - 64.2% increase. This increase in trials may be attributed to increasingly severe plea offers and the mandatory minimum sentencing legislation.

SENATOR SPECTER:
2. Two positions are requested in the CJA office. How many are now involved in that activity at what total cost?

MS. LONG:
2. The Public Defender Service has seven fulltime employees presently staffing the CJA office: Chief of Staff, Deputy Chief of Staff, three Interview Clerks, and Secretary. The budgeted amounts for salaries for these seven fulltime positions is $155,188 in FY 1986, and $163,466 in FY 1987. In addition to the fulltime personnel dedicated to that activity, the agency's Deputy Director and Executive Assistant devote twenty-five percent of their time to the management of that office and program. In personnel costs, their time adds $23,863 for FY 1986 and $25,148 for FY 1987. Thus, total personnel costs are $179,051 in FY 1986 and $188,614 in FY 1987 for present personnel dedicated to the CJA activity, exclusive of the cost of fringe benefits and other than personal services costs.

In the FY 1987 Budget, the agency has requested two additional Interview Clerks with whom to staff the CJA office. These two positions will add $26,000 in personnel compensation in FY 1987 to the costs indicated above. These two positions are necessary because of the increase in workload of the office. Existing staff can no longer meet the increasing demands placed upon them. The CJA office is responsible for providing administrative assistance to the appointment of counsel program by, among other matters, interviewing all defendants and respondents for financial eligibility for the program, and issuing vouchers for all private counsel appointed by the court and for all investigative and expert services utilized by the private counsel in their court-appointed cases. The office also registers all private counsel seeking court-appointed cases. In the last five years, the workload of the CJA office has increased by one-third. For example, in FY 1980 the office interviewed 20,524 persons for financial eligibility; in FY 1985 that figure was 26,280. In FY 1980 the office issued 13,711 vouchers to court-appointed private attorneys; in FY 1985 that figure had increased to 21,055. Staff of the office must provide Saturday and holiday coverage for cellblock interviews and appointment processing, in addition to normal weekday operations. In addition to the increase in sheer volume of cases since FY 1980, further workload demands have been created because (1) procedural changes in the court system require automatic implementation of revocation proceedings where a probationer is arrested on new charges; this requires appointment of counsel for the revocation hearings and issuance of a voucher for that attorney; and (2) the increase in payment rate for attorneys in October 1983 has resulted in an increase of attorneys seeking court appointments (approximately 40 to 60 new attorneys per month); this requires processing increased numbers of registrations for new attorneys and increased orientation sessions. Further, due to the increase in the District's Hispanic population, it is imperative that the CJA office include bilingual interview clerks. One of the two new positions will specifically require a bilingual incumbent. Because of these workload factors, it is essential that two additional positions be granted for the agency's CJA office.

SENATOR SPECTER:
3. What duties will the Assistant Administrative Officer perform?

MS. LONG:
3. Under the supervision of the agency Executive Assistant, the Assistant Administrative Officer will be responsible for handling general areas of supply and equipment procurement, equipment inventory, telephone system management, assisting with budget monitoring, auditing payment vouchers, and handling day to day administration issues of the physical plant and facilities.

Presently, the agency's Executive Assistant solely handles all agency administrative matters with the exception of personnel. Thus, she is responsible for all issues of budget and fiscal management, budget preparation, monitoring of the appropriation expenditure status, all procurement and equipment matters, and issues relating to problems or repairs of the buildings in which the agency's staff is located. She also handles a myriad of other tasks including designing computer and record keeping systems, planning continuing legal education programs, developing publications, acting as public information officer and liaison with the court system and District and federal agencies, and assisting the agency Deputy Director with the administration of the

CJA program. To perform all of these tasks, the Executive Assistant works a minimum of 300 hours annually of uncompensated overtime. Agency administration would be better served with additional staff. Although the Executive Assistant handles many matters of crucial importance to the operation of the agency as an agency, there is no one else at the agency who knows how to perform those functions, or who could provide some back-up, should an emergency arise that renders the Executive Assistant unable to perform her duties for an extended period. Managerially, this is an intolerable condition. Moreover, the present Executive Assistant will be terminating her employment with the agency very shortly. A newly hired replacement will not be as efficient as the incumbent with 14 years experience with the agency. Because of all of these considerations, the new position of Assistant Administrative Officer is essential to insure continuing high level management, and to provide some permanent staff support and back-up for the Executive Assistant. In previous budget submissions, the emphasis was placed on staff attorney positions to meet direct service needs, rather than on administrative positions. The situation has now culminated to a point where the agency can no longer ignore the need for additional administrative staff.

D.C. PRETRIAL SERVICES AGENCY

SENATOR SPECTER:
1. Present a summary of the drug testing program from its inception.

MR. CARVER:
1. Since March of 1984, the District of Columbia Pretrial Services Agency has been operating a drug detection facility in the Superior Court for the District of Columbia. The Agency conducts urinalysis testing for (1) virtually all adult arrestees; (2) a substantial percentage of adult drug users granted pretrial release; and (3) a limited number of juvenile detainees.

Using the Emit drug testing technology, the Pretrial Services Agency testing program is able to provide accurate results not only on heroin use at time of arrest, but on a variety of other controlled substances as well -- PCP, cocaine, amphetamines and methadone are the additional substances covered in the current testing program for adults. The present Pretrial Services Agency program is more comprehensive than earlier efforts at pretrial urine screening in the D.C. courts in that almost every arrestee is tested. The quality control and chain-of-custody procedures that are integral features of the Pretrial Services Agency program have been central to overcoming defense bar objections both to the program generally and in individual cases. With regard to both the technology and procedures, then, the Pretrial Services Agency program is an objective and highly accurate testing and reporting system. Rather than relying primarily on self-reported information from defendants, the program provides the releasing judge or commissioner, the prosecutor and defense counsel with scientific, verifiable drug use information.

The drug testing program is also providing the first major test of what is hoped will be an effective strategy for curbing drug use and crime among adult defendants during the pretrial period of a case. Through the mechanism of setting release conditions that require a defendant to submit to frequent urinalysis until the case goes to disposition, a defendant's drug use can be monitored and continued use, in violation of release conditions, can be sanctioned in a variety of ways.

The urine surveillance program of the Pretrial Services Agency is well-established in our adult criminal justice system. Judges and prosecutors have come to appreciate the value of quick and accurate drug test information. Despite the higher release risks posed by drug users, the existence of a program of close urine surveillance has meant that judges can release adult drug users before trial with considerably more confidence than previously, because they know that they will be notified promptly of violations, and that they can rely on a scientifically sound basis for invoking sanctions.

In short, high risk adult drug users are being identified early. An effective tool -- urine surveillance -- has been developed to minimize these risks. Those who continue to use drugs are detected promptly and reported to the Court. Violation hearings are convened, which usually result in sanctions. Knowing this, many adult pretrial releasees are refraining from illegal drug use throughout the pretrial period. Statistically, within the last year the Agency averaged 1265 lockup tests per month with over 60% of the defendants testing positive for one or more of the five drugs screened and over 200 surveillance tests per day.

SENATOR SPECTER:
2a. What will be the duties of the four additional staff requested?

MR. CARVER:
2a. The four additional staff requested are needed to assure adequate supervision of pretrial releasees. In the past three years, there has been a substantial increase in the number of individuals on pretrial release. This has come about because of 1) a 25% increase in the number arrests; and 2) an increase in the average length of time between arrest and final disposition. Additional positions will mean closer supervision of releasee, quicker identification of release condition violators, and prompt notification to the Court.

SENATOR SPECTER:
2b. How will this result in more defendants being released pending trial?

MR. CARVER:
2b. The additional staff will not directly result in more defendants being released. However, the willingness of the Court to release individuals depends to a large extent on the confidence judges have in the quality of the pretrial supervision and monitoring of releasees. At the present time, the Agency is simply not able to meet the added burdens cited above.

OFFICE OF EMERGENCY PREPAREDNESS

SENATOR SPECTER:
1. The OEP is scheduled to receive an increase of nearly $1 million in 1987. What is the reason for this sharp increase?

MR. YELDELL:
1a. The largest increase to the Office of Emergency Preparedness' (OEP) base budget is for the computerized Citizens' Information and Referral System (CIRS) which represents $609,000 and 13 new positions. This increase is necessary to staff and provide 24 hour service 365 days each year to handle calls from citizens in crises situations that require government services. CIRS is the alternative to calling 9-1-1 when a police, fire or ambulance vehicle is not required. This increase also includes costs for computer training, computer equipment, and related supplies.

1b. An increase of $73,000 and 2 positions is requested to continue the peacetime application of OEP's Hazardous Materials Program which was formerly funded by the Federal Emergency Management Agency (FEMA). Funding by FEMA was denied because the District has a policy of no nuclear attack planning.

1c. An increase for communications is requested to meet the actual cost of this area. OEP's request is $70,000.

1d. Maintenance costs of $50,000 is needed for the new two-way radio system which is an integral part of the warning and communications system for the District government.

1e. Increases for the pay adjustment of 4 percent totals $21,000. Within grade increases for eligible employees totals $5,000.

1f. Currently, costs for federal grant audits and vehicle maintenance are not in OEP's base budget. These costs total $7,000 and $10,000 respectively.

1g. OEP is requesting increases to its base budget authority via transfers from the Office of the Secretary for $85,000 and 3 positions and the Office of Human Rights for $44,000 and 1 position.

Currently, the three positions on in the Office of the Secretary are used to process manually citizens complaints phoned to the Office of the Mayor. All of these calls will be transferred to the automated CIRS.

An equal Employment Opportunity (EEO) Specialist position is requested to assist the director in developing, administering, monitoring, and revising the Affirmative Action Plan, which is currently mandated by Federal and District laws.

SENATOR SPECTER:
2. Calls to the Citizens' Information and Referral System are expected to increase from an estimated 46,550 in 1986 to 450,000 in 1987. What is the basis for this increase?

MR. YELDELL:
2. The Police Department has documented that it's 9-1-1 telephone system received over 1 million calls yearly of which approximately one half are non-emergencies. These calls will be handled by OEP's automated Citizens' Information and Referral System once it is installed 24 hours a day and interfaced with the Enhanced 9-1-1 system.

DISTRICT OF COLUMBIA LAW REVISION COMMISSION

SENATOR SPECTER:
1. The budget proposes to reduce the staffing of the Commission sharply, from 8 to 3 staff. What is the reason for this action? What amount and positions did the Commission request from the District Government?

MR. WEST:
1. The reason for the action taken by the Council was to improve governmental efficiency based upon an evaluation of the best uses for District appropriations. The amount requested from the District Government for personal services for FY 1987 was $400,000 and eight full time positions. This represented an increase of $24,000, ($19,000 for pay adjustments and within grades and $5,000 to cover underfunded personnel costs of current staff). The positions requested for FY 1987 were the same as for FY 1986, breakdown of the 8 continuing full time positions are:

Director	DS-16	$68,567
General Counsel	DS-15	$65,951
Senior Attorney	DS-15	$64,119
Staff Attorney (2)	DS-13	$89,616
Administrative Officer	DS-12	$37,862
Administrative Assistant	DS-09	$27,520
Legal Technician	DS-07	$19,364

The FY 1987 request did not ask for any new positions and all of the 8 positions were filled.

OFFICE OF CRIMINAL JUSTICE PLANS AND ANALYSIS

SENATOR SPECTER:
1. The overall OCJPA budget is projected to be a net $70,000 less than the current year. What specific activities will be discontinued or curtailed.

MS. WILSON:
1. No activities will be discontinued or curtailed. The net reduction of $70,000 of the overall FY 1987 budget from the prior year is comprised of a non-recurring purchase of computer equipment in FY 1986 and the expiration of funding in FY 1986 for the 1984 Juvenile Justice Delinquency Prevention Plan that was completed in FY 1986.

THE UNIVERSITY OF THE DISTRICT OF COLUMBIA

Senator Specter:
1. A total of $1.3 million is included for the possible acquisition of Antioch Law School. What additional costs are anticipated above the normal operating costs, in the next three years? What are the annual operating costs of the school and are capital construction needs expected?

Dr. Payne:
1. The normal operating costs for the period from July 1, 1986 to September 30, 1987 would be $5.7 million. An additional $2.9 million for one-time costs is needed for facilities, law library and financial aid. The annual subsidy required to operate the law school would be approximately $3.0 million. Capital construction is needed for permanent facilities.

The University of the District of Columbia's Board of Trustees passed a resolution to reject acquisition of the Antioch School of Law.

Senator Specter:
2. What is the instructor to student ratio at UDC compared to the other schools in the consortium of universities? Provide the same information for the administrator-student ratio.

Dr. Payne:
2.

Consortium of Universities & Colleges
FALL 1985

UNIVERSITIES/COLLEGES	STUDENT/ INSTRUCTOR RATIO	STUDENT/ ADMIN. RATIO
Univ. of District of Columbia	13.0	63.3
American University	14.5	58.3
Catholic University	12.0	75.8
Georgetown University	14.0	43.2
Howard University	7.8	(a)
Gallaudet College	(a)	(a)
Mount Vernon College	(a)	32.3
Trinity College	11.0	(a)
University of Maryland (College Park)	15.4	148.6

(a) - Not Available

EDUCATIONAL INSTITUTION LICENSURE COMMISSION

Senator Specter:
1. No increase in the five staff positions is requested. However all areas of workload are projected upward. Will delays result? Is there a current backlog?

Dr. Liggins:
1. Yes, slight delays will result. However, to meet the current backlog, an increase of $18,000 is requested in the FY 1987 Budget to fund an additional staff position to help meet the workload requirements.

DISTRICT OF COLUMBIA PUBLIC LIBRARY

SENATOR SPECTER:
1. An increase of 32 staff and $1.6 million is requested for the library. Will these added resources increase the hours at Martin Luther King Memorial Library or the branches?

DR. FRANKLIN:
1. The increase requested in the FY 1987 budget will permit a major expansion in service hours at the branch libraries. The 32 new positions will provide sufficient staffing to add 15 hours of service per week (one full day and two additional mornings) at each of the 16 local branch libraries and seven additional hours of service (two mornings) at each of the four regional branch libraries. All local and regional branch libraries will be open 55 hours a week instead of the present 40 hours at the local branches and 48 hours at the regional branches.

Increased resources in FY 1987 will sustain the Martin Luther King Memorial Library at its current levels, but because of a consistent annual increase in the use of the Martin Luther King Memorial Library, it will be necessary to request additional staff in future budgets.

DISTRICT OF COLUMBIA COMMISSION ON THE ARTS AND HUMANITIES

SENATOR SPECTER:
1. What tasks will the 3 additional staff persons requested perform? How are those jobs done now?

MRS. NICHOLSON:
1. The Commission is requesting a Public Information Officer, an Art in Public Places Coordinator, and a Computer Operator. Currently, an existing staff member has been assuming some of the duties of a Public Information Officer along with an already full load of responsibilities. This has proved an inadequate system due to the vast responsibilities and needs of our agency for a full-time Public Information Officer. The responsibilities of the two other positions are currently not being provided, but sorely needed due to our new program, Art in Public Places and the agency moving from manual systems to a fully computerized grants management system.

SENATOR SPECTER:
2. How much of the increased funds will go to increase grant awards?

MRS. NICHOLSON:
2. All of the requested additional program funds will be used for awarding grants ($400,000) except for the Folk Arts ($16,000) and Art in Public Places ($150,000) requests. The standard grants awards range from $2,500 for individual fellowships, $1,000 recognition grants, to $5,000, $10,000 and $15,000 impact grants to organizations.

DEPARTMENT OF HUMAN SERVICES

SENATOR SPECTER:
1. Funds are included for three comprehensive drug treatment clinics. What type of treatment is provided for what drugs?

MR. RIVERS:
1. Detoxification, Methadone maintenance and abstinence treatment services will be provided to residents of the District of Columbia, age 18 and over, who are abusing Opiates, Cocaine and PCP. The services associated with these treatment modalities include individual, group, and family counselling, treatment planning, evaluation/assessment, physical examination, psychiatric and psychological consultation, social and vocational assessment, random urine testing, medical evaluation and administration of medications.

SENATOR SPECTER:
1a. How many staff and what is the cost?

MR. RIVERS:
1a. Each clinic will have a staff complement of twenty-three positions (1 Clinic Manager, 1 Psychologist, 1 Social Worker, 1 Vocational Rehabilitation Specialist, 2 Registered Nurses, 4 Licensed Practical Nurses, 1 Medical Officer, 10 Treatment Counselors, 1 Clerk and 1 Secretary). An annual cost of $500,000 is projected for each clinic.

SENATOR SPECTER:
2. How many treatment slots are available?

MR. RIVERS:
2. Each clinic will provide an additional 350 treatment slots. A total of 1,050 treatment slots will be created by opening these three clinics. We are projecting that each treatment slot will serve approximately two (2) patients, for a total of 2,100 persons served annually.

SENATOR SPECTER:
2a. How long is the program?

MR. RIVERS:
2a. While it is difficult to respond in terms of the length of the program, we anticipate it operating approximately six months.

SENATOR SPECTER:
3. What are the goals and objectives of the AIDS Plan?

MR. RIVERS:
3. The goals of the AIDS plan are to reduce the morbidity and mortality among D. C. residents resulting from infection with the AIDS virus and to provide the necessary services to those who are affected.

The following are the objectives in the current draft of a city-wide strategy recommended by the Mayor's Inter-Agency Task Force:

(1) Inform and educate the population of the District of Columbia about AIDS in order to (a) reduce the degree of public fear and anxiety about the disease, and (b) bring about voluntary changes in lifestyle which will reduce the risk of infection with the HTLV-III virus and reduce the risk of transmitting the disease by infected persons to others;

(2) Ensure the full range of medical needs of persons infected with the AIDS virus;

(3) Meet the human service and other support needs of persons infected with the AIDS virus, their families and close associates; and

(4) Execute AIDS-specific programs and activities as efficiently as possible.

The following are the goals and objectives included in our proposal to the Robert Wood Johnson Foundation to provide AIDS health services in the Metropolitan Washington area:

Goals:

(1) To streamline movement through the health service system for individuals with AIDS/ARC;

(2) To ensure that a complete service network of high quality is available and accessible to persons with AIDS/ARC and that such a network is humane and culturally sensitive; and

(3) To coordinate the AIDS efforts on all levels so that the most effective and least costly methods of service provision are implemented and maintained.

Objectives:

(1) To provide an acceptable buddy for all persons with AIDS and all persons who are incapacitated with ARC who desire one;

(2) To provide appropriate service management services to all persons with AIDS and all persons who are incapacitated with ARC who desire them;

(3) To develop and implement a uniform information form/system which will be accepted by all service providers and at least 50% of persons with AIDS and those incapacitated by ARC;

(4) To maintain equivalency between need and supply in service provision;

(5) To ensure that all persons with AIDS and those incapacitated by ARC are receiving care in the least restrictive, most appropriate and most cost effective environment by the end of the four-year grant period;

(6) To determine the most cost effective and culturally sensitive outpatient programs for various services and to ensure that at least 80% of those in need are using such services by the end of the four-year grant period; and

(7) To lower the rate of persons becoming HTLV-III positive.

The goals and objectives of the Preventive Health Services Administration within the Commission of Public Health for surveillance, epidemiology and control of AIDS virus infections are:

Goals:

(1) To maintain a surveillance system aimed at obtaining epidemiological data on all patients diagnosed as having AIDS; and

(2) To establish a District of Columbia-wide coordinated AIDS health promotion/risk reduction program.

Objectives:

(1) To encourage complete and accurate reporting of all AIDS cases diagnosed in the District of Columbia;

(2) To develop and disseminate epidemiological information on persons with AIDS;

(3) To conduct AIDS health promotion/risk reduction activities for high risk groups and ethnic minorities, and survey knowledge behavior, and attitudes among high risk groups; and

(4) To conduct AIDS health promotion/risk reduction for persons at risk, workers, and the general public.

SENATOR SPECTER:
4. Services to the homeless are to be enhanced by providing 6,379 additional shelter nights. This appears to be an increase of only 17 beds per night. What is meant by this enhancement?

MR. RIVERS:
4. In FY 1987, the Department of Human Services identified the need for an additional 55 beds at a cost of $583,000. Of these, 39 would be reserved for families and the remaining 16 would be used by handicapped individuals. This will result in an increase of 6,483 shelter nights; this increase of 104 over 6,379 is due to acquiring an additional shelter after the FY 1987 budget submission.

SENATOR SPECTER:
5. How many shelter slots will be provided, and what is the total cost? Provide a breakdown by type of shelter bed.

MR. RIVERS:
5. In FY 1987, 1,027 shelter slots will be provided at the cost of $6,415,000. The following is a breakdown by type of shelter bed:

Homeless Families -	451
Homeless Women	193
Homeless Men	383

SENATOR SPECTER:
6. Does the 1987 budget include funds for the 2nd and D Streets N.W. shelter? If not, what is the estimate and how will operating costs be provided?

MR. RIVERS:
6. The 1987 budget does not include funds for the 2nd and D Streets, N.W. shelter. The Community for Creative Non-Violence has sole responsibility for the services provided at this facility. It is anticipated that any operating costs incurred by the District will be minimal and can be absorbed within current resources.

SENATOR SPECTER:
7. Provide information on how the special education and vocational training for delinquent youth, as well as, aftercare services and bilingual services are coordinated with the Public Schools?

MR. RIVERS:
7. Special education and vocational training for delinquent youth in the Youth Services Administration's (YSA) custody will be provided in accordance with YSA's

Institutional Treatment Program. The development of these programs was accomplished by incorporating the D.C. Public Schools (DCPS) competency based curriculum and special education goals into the education portion of the YSA plan.

All education services, including special education, will be provided at the Receiving Home for Children by the public schools. Special education assessment and individual education development will be accomplished by an on-site DCPS multi-disciplinary team for youth at the Oak Hill facility.

The after care services and placement for youth returning to the public schools will be developed jointly by YSA and DCPS. Appropriate bilingual services will be developed in cooperation with DCPS.

SENATOR SPECTER:
8. How will the $298,000 in pay-as-you-go capital projects be funded, if the tax amnesty is not passed?

MR. RIVERS:
8. The Financing for Pay-As-You-Go Capital Projects was authorized in FY 1985, by the Congress, to be financed by the general fund revenue. The $298,000 requested in FY 1987 completes the financing required for this project.

SENATOR SPECTER:
9. In his report of March 10, 1986 entitled "A Review of Substance Abuse Testing Programs" the D.C. Auditor was unable to obtain clear budgetary information from the Department of Human Services about the cost and number of expected drug tests. Please provide this information including whether or not these services will be contracted or performed in house?

MR. RIVERS:
9. These services will be provided in house. The $359,000 and six (6) continuing full time positions redirected from the Bureau of Drug Treatment Services, Alcohol and Drug Abuse Services Administration to the Bureau of Laboratories, Preventive Health Services Administration, will support the testing of 74,700 urine specimens with up to 32,000 confirmations. Confirmation of urine specimens are required by the judicial system to enable the courts to make appropriate decisions about persons under court jurisdiction.

MENTAL HEALTH SYSTEM PLAN

Homeless Persons

SENATOR SPECTER:
1. The Preliminary System Implementation Plan estimates that there are 5,000 homeless persons in the District. What is the basis for this estimate?

MR. RIVERS:
1. The Mayor's Commission on the Homeless receives monthly census reports from the shelters. During February, 1985, the shelter population averaged approximately 2,300; about 1,800 people in the regular shelters and 500 in the family shelters.

Those most familiar with the homeless problem - researchers, program directors, service providers - agree that at least as many people live in abandoned buildings or the streets as live in shelters. Thus, one conservative estimate of Washington's total homeless population is 4,600.

A one-night census of homeless people was conducted by the Office of Emergency Shelters and Support Services that included counting people on the streets and at all known areas used by the homeless. Combined with the same night shelter population, the number of homeless came to just under 6,000 people.

Thus, as a reasonably empirical working number, the Preliminary Implementation Plan settled on an estimate of 5,000 homeless persons in the District.

SENATOR SPECTER:
2. The Plan further cites recent studies as stating that one-quarter of the men and one-third of the women have previously been in a hospital for the mentally ill. What studies are referred to and what is the estimate of those who are homeless that require mental health services? The Committee has received testimony in the past that states approximately 50% of the homeless are mentally ill.

MR. RIVERS:
2. The study referred to is "Sheltered Homeless in the Nation's Capitol: A Comparative Study of Characteristics, Needs and Services for Washington, D.C. Single Adults and Families" by Joyce Lane (Howard University) and Fred Depp (St. Elizabeths Hospital).

This study was based on interviews with 236 shelter residents and 45 shelter staff conducted March through May, 1984. According to Lane and Depp, 71% of the respondents reported no previous hospitalization. About 1/3 of all respondents reported hospitalization in a mental institution in the previous two years, with females outnumbering males 35% to 26%. The same study reported that 59% of the single men, 51% of the single women and 54% of heads of families (almost all women) evidenced distress levels sufficient for intervention. The April 23, 1985 issue of Public Interest reported on a survey of 12 shelter staff members conducted by E. Fuller Torrey, Eve Bargmann and Sidney M. Wolfe. According to this study - "Washington's Grate Society: Schizophrenics in the Shelters and on the Streets," 39% of homeless people in the shelters appeared to be suffering from schizophrenia. Combining their shelter figures with an estimate of homeless living on grates and in abandoned buildings, the researchers concluded there were approximately 1,200 homeless schizophrenics in Washington.

SENATOR SPECTER:
3. The Plan also states that mental health personnel will go into the shelters to work with persons until they can join regular programs. How long do you anticipate the wait for regular programming to be and what additional resources would be needed to have no delay?

MR. RIVERS:
3. The time interval for getting the homeless mentally ill into regular treatment programs is not dependent on the availability of programming. Rather, the delay is a factor of the time needed to overcome the distrust, apprehension and recalcitrance of shelter residents and to slowly gain their acceptance of treatment in regular service centers.

SENATOR SPECTER:
4. By what date will this plan provide services to the homeless and when will they be fully implemented?

MR. RIVERS:
4. Mental health services to the homeless are being provided, at this time, through two community outreach teams, contracted psychiatric counseling and training for two day programs, and psychiatric treatment teams in four shelters. In 1987, services to the homeless mentally ill will double. By the end of the transition, all services outlined in the plan will be fully implemented.

DEPARTMENT OF RECREATION

SENATOR SPECTER:
1. Please explain the areas where the 40 additional staff will be used and the $2 million increase over the 1986 level?

MRS. ROBERSON:
1. The areas where the 40 additional staff will be used and the $2 million increase over the 1986 level are as follows:

PROGRAM	FUNDING	POSITIONS
Volunteer Program The volunteer program provides training, orientation, and certification to qualified volunteers who work in all phases of recreation. The one position requested is to convert a term full-time secretary to a continuing full-time position. Funding for the position has been	...	1

redirected from within the department.		
Potomac Riverfest This program was designed to promote the cleaner Potomac River. Each year it plans, coordinates and implements the Potomac Riverfest along with other festivals in the District. The two positions will provide an Assistant Director and Secratary for the project.	48,000	2
Senior Citizen's Program The request is for five recreation specialists and funding for four new centers for senior citizens. They will be located at Fairfax, Bald Eagle, Ft. Stevens, and Kenilworth Parkside. One position is requested to reinstate an employee who won a discrimination suit against the District.	108,000	6
The Arts Program One position for a dance specialist is requested to convert a term full-time position to continuing full time. The increase will provide partial funding, and the remaining funds have been redirected.	10,000	1
Roving Leader Program Six positions and funds are requested to provide more services to the community for hostile and aggressive youth in order to deter juvenile delinquency. Two positions are requested to provide for the expansion of Spanish language information dissemination on recreational programs and to ensure access to these programs for the Latino community.	209,000	8
Therapeutic Recreational Services Five positions and funding are requested for this program to accommodate demands for services for the severely/profoundly, homebound handicapped, and for group homes for individuals recently released from institutions.	149,000	5

Aquatics One positiion is requested to convert a term full-time secretary to continuing full-time. Funding is requested for the Deanwood swimming pool which will be reopening after major renovations.	25,000	1
Recreation Centers and Playgrounds Two positions are requested for employees reinstated from a reduction-in-force settlement, and nine positions are for the conversion of nine term full-time secretaries to continuing full time. Other increases are for supplies, equipment, contractual services and part-time staffing for recreation centers and playgrounds.	189,000	11
Maintenance The Maintenance Division maintains more than 200 recreational facilities, including 45 pools, 103 recreation centers, a resident camp, six centers for the handicapped, 17 centers for senior citizens, numerous ballfields and courts, and hundreds of acres of grounds. The increased funding and positions will provide needed workers and funds for custodial supplies and equipment, and contractual services for major repairs on pools and bathhouses, custodial and janitoral services, air-conditions and heating systems, grass cutting and ballfield lights.	435,000	5
Resident Camp The resident camp, located in Scotland, Maryland provides outdoor recreation for District youth. This request is to purchase freezers for the camp.	8,000	...

The remaining funds requested are as follows:

Communications	30,000	...
Maintenance and repair of vehicles	25,000	...
A four percent pay adjustment	831,000	...
Within grades	61,000	...
Annualization of FY 86 new positions	123,000	...
Total	$2,251,000	40

SENATOR SPECTER:
2. The Department expects to lose $150,000 in Federal funds. What programs did these funds sustain and how will these be funded in 1987?

MRS. ROBERSON:
2. The $150,000 was used for specific projects that will be completed during fiscal year 1986, and no funding will be required in fiscal year 1987. The projects and funding are as follows:

Security Lighting	2,000
5-Year Comprehensive Recreation Plan	58,000
Management Information System	90,000
Total	$150,000

OFFICE ON AGING

SENATOR SPECTER:
The justification material cites the loss of Federal funds as part of the reason for increased funds. Yet only $331,000 in Federal funds are due to be lost with no reduction in positions funded with Federal grants. How does this translate to an increase of $2.7 million in District funds?

MS. PACE:
The Office on Aging's FY 1987 budget reflects a decrease of $331,000 in Federal funds from the FY 1986 allotment. This decrease will minimally impact the office's appropriated funds, since $215,000 was a one-time carry over of grant authority from the U.S. Department of Health and Human Services and the U.S. Department of Agriculture, and $116,000 was for one time grants. This decrease of $331,000 is not included in the appropriated budget request.

The requested increase of $2.7 million in District funds is to expand current services that are targeted to those seniors who are most in need: the old-old, the frail, the isolated, and the economically needy. The District of Columbia's elderly population increased from 103,000 in 1980 to 106,600 in 1984 (Provisional Population Estimates prepared by the Office of Planning), and this trend is expected to continue. The fastest growing segment of this elderly population are persons 85 years and older. The old-old are the heaviest users of community based and institutional long term care services.

The Office on Aging's FY 1987 budget request is to fund expanded community based services in response to the demand for services created by the increase in population growth of elderly persons who are at risk of institutionalization.

DISTRICT OF COLUMBIA GENERAL HOSPITAL

SENATOR SPECTER:
1. In the workload estimates, patient days, average length of stay, and emergency room cases are all estimated to remain constant. Is this realistic, please use current rates to explain the answer?

MR. McCOY:

1. The following shows the current rates for patient days, average length of stay, and emergency room visits, compared with the forecast for FY 1986 and FY 1987. The occupancy rate is somewhat lower than expected in FY 1986, due partially to the factors listed below, however we believe FY 1987 will be in line with the estimate.

	FY 1986 Current Rates		Forecast	
	Actual May YTD	May YTD Annualized	FY 1986	FY 1987
Patient Days	77,955	116,933	126,795	126,795
Average Length of Stay	8.3	8.3	8.7	8.7
Emergency Room Visits	54,770	82,155	82,500	82,500

Patient Days are less than forecasted in FY 1986, one reason for which is that the PCP detox service did not begin as early as planned. The average length of stay also reduces the number of patient days.

The average length of stay is less, due in part because the PCP detox unit was not operable in the first eight months of FY 1986. Since the length of stay for a PCP patient is estimated at 21 days, the average length of stay is expected to increase.

The emergency room visits are also running slightly less in FY 1986 May year-to-date, however we expect this to increase. Most of the Hospital's admissions come from the emergency room, which also is a factor in the lower number of patient days.

As the new Ambulatory Care and Critical Care Building is completed, the Hospital will have the capacity to handle more emergency patients in the trauma center, and reduce the waiting time in the emergency room, which should assist in increasing admissions to the Hospital.

SENATOR SPECTER:

2. What is the reason for the increase of $2.6 million to a total of $50.9 million in FY 1987?

MR. McCOY:

The increase in the payment from the District in FY 1987 includes 4.0 percent pay adjustment and 1.2 percent within grades in personal services expenditures, and price increases of 10 percent for medical supplies, and 6 percent for other supplies and services, in nonpersonal services expenditures, as follows:

	(in millions) FY 1986	FY 1987	Increase
Personal Services	$ 32.5	$ 34.2	$ 1.7
Nonpersonal Services	15.8	16.7	.9
Total	$ 48.3	$ 50.9	$ 2.6

OFFICE ON LATINO AFFAIRS

SENATOR SPECTER:
1. The budget request for the Office on Latino Affairs is nearly 5 times the 1986 level. Most of those funds will be for special Latino Initiative programs in other District agencies. Provide a detailed breakdown by agency of what these funds are to be used for and by what agency.

MRS. GILLESPIE:
1. The Latino Initiative budget totals $1,219,000 and will go to ten District government agencies through intra-District agreements with the Office on Latino Affairs. A detailed breakdown follows:

Department of Administrative Services:

An additional $117,000 for DAS will cover the cost of two positions at a Grade 9, including fringe benefits. These positions will be filled by individuals who will help ensure equal access in the areas of procurement and contracting for Latinos. The remainder will cover rental costs for two facilities in Adams Morgan, which are currently in use by the Office on Latino Affairs and the Latino Employment Services Center. The rent, utilities, and communications costs for these two centers will be maintained in FY 1987 to continue to provide services within the Adams-Morgan area.

Office of Business and Economic Development:

An additional $60,000 for OBED will cover two Program Specialist positions at a Grade 11, including fringe benefits. These positions will be designed to help coordinate a business assistance program for Ward 1 residents, and will be conducted in cooperation with the Minority Business Opportunity Commission.

Civilian Complaint Review Board:

An additional $16,000 will cover one position, including fringe benefits, at a Grade 5. This individual will provide bilingual interpreting services and legal assistance in cases involving Spanish speaking clients. Interpreting assistance will also be extended for any CCRB hearings involving Spanish speaking witnesses and/or complainants.

Department of Consumer and Regulatory Affairs:

An additional $27,000 for DCRA will cover the cost of one Community Service Representative at a Grade 9, including fringe benefits. This individual will assist Latino individuals, agencies, and businesses in complying with procedures regarding licensing and other regulatory requirements.

Department of Employment Services:

An additional $150,000 for DOES will be allocated for a training program which will concentrate on accessing the Spanish-speaking residents of the District of Columbia, particularly those with limited skills. Emphasis will be placed on expanding apprenticeship programs and skills training.

Fire Department:
The additional $80,000 will be allocated to cover the cost of four telephone dispatcher positions in order to provide the Fire Department with bilingual capability. The positions will be Grade 7/9; cost of fringe benefits will be covered.

Department of Human Services:
An additional $502,000 for DHS will assist the agency in its efforts to enhance its bilingual/bicultural service capability across the board, with particular emphasis in critical service areas. Eleven positions (including fringe benefits) for bilingual/bicultural personnel will include:

1 OB/GYN	Grade 14
1 Internist	Grade 14
1 Dentist	Grade 13
1 VD Education Specialist	Grade 9
2 Nutritionists	Grade 11
1 Health Educator	Grade 9
2 Outreach coordinators	Grade 9
2 Clerical	Grade 4

Total ------ $321,000 - Eleven positions

Six additional positions will include bilingual/bicultural personnel in the following areas:

3 Family Daycare workers*	Grade 9
2 Specialists in Handicappped Services	Grade 7
1 additional staff for DHS multi-service center	Grade 7

[* $81,000 - salaries & fringe; $19,000 will cover training, coordination, and supervision for establishment of special family daycare programs within Latino homes in D.C. Training supplies and materials will be included in the overall $100,000 budget for this new program.]

Total ------ $156,000 - Six positions

An additional $25,000 for DHS will be allocated as follows:

$10,000 -- will cover the cost of educational materials, both printed and audio visual supplies for the health education and prevention programs targeted for non-English speaking and/or recently arrived Latinos.

$10,000 -- will go to supplies and contractual services for the Rehabilitative Services Administration, with emphasis on bilingual materials and Spanish language capability.

$ 5,000 -- will go to compiling a comprehensive DHS Information and Referral Handbook in Spanish.

Minority Business Opportunity Commission:

An additional $60,000 will cover two positions at a Grade 11, including fringe benefits. These individuals will work in coordination with OBED through the Latino Employment Services Center to provide additional business assistance to the residents of Ward 1.

Police Department:

An additional $127,000 will cover the cost of nine (9) Grade 4/5 (comparable grade level vis a vis existing personnel) positions, including fringe benefits, to ensure 24 hour bilingual capability for the 911 emergency service.

Department of Recreation:

An additional $80,000 will cover the cost of two positions, including fringe benefits, at a Grade 7. These individuals will work within the Roving Leader program to expand Spanish language information dissemination on recreational programs and to ensure access to said programs for the Latino community. Emphasis will be placed on accessing Latino youth.

Remaining funds will be allocated to the design and implementation of specialized recreational programs for Latinos, including theater, dance, and sports activities. Costs of janitorial and custodial support to recreational activities within DC/DOR facilities will also be covered under this additional funding.

SENATOR SPECTER:
2. Why weren't these funds included in the various agencies' budgets?

MRS. GILLESPIE:
2. The mechanism of intra-District agreements between each of these agencies and the Office on Latino Affairs was selected for two reasons. First, to underscore the fact that this is the first year of a concerted Latino Initiative program. In subsequent years, individual agencies will request direct budgeting for Latino initiatives. Second, this mechanism will allow for coordinated overview and monitoring of Latino Initiative funds and related programs, to ensure compliance with original recommendations.

SENATOR SPECTER:
3. What is the 1987 request for OLA without these initiative funds?

MRS. GILLESPIE:
3. The FY 1987 request for OLA without the Latino Initiative funds is $692,000.

DEPARTMENT OF PUBLIC WORKS

SENATOR SPECTER:
1. The requested amount for DPW is 6 positions and $8.9 million greater than the 1986 amount. What positions will the new positions fill?

JOHN TOUCHSTONE:
1. Four positions are being converted from temporary to permanent status to handle increased workload in the Bureau of Traffic Adjudication. The position titles are two DS-5 Contact Representatives, one DS-7 Miscellaneous Document Examiner, and one DS-6 Secretary. The other two positions are new and are for two DS-9 Electrical Engineering Technicians positions related to street light deregulation.

SENATOR SPECTER:
What programs will benefit from increased funding with the increased funds, where possible give quantitative information?

MR. TOUCHSTONE:
2. There are seven main programs that will benefit from budget increases.

An increase of $1,916,000 in the tree maintenance program will allow us to trim the city's 100,000 trees on a 5 year cycle rather than the current 9 year cycle, and increase from 3 to 5 the number of maintenance crews available to respond to individual citizen requests and emergency situations.

A total increase of $1,495,000 will be available to improve street cleaning. The funds will be divided into three areas which include $400,000 to mobilize citizens to participate in the process for keeping their city clean, $184,000 for increased high capacity mechanical street cleaning, and $911,000 for individual cart cleaning in those densely populated areas of the city with heavy on-street parking.

We have requested $1,104,000 for increased parking enforcement. Of this total $365,000 will provide seven additional tow cranes and operators, $535,000 will increase enforcement in Residential Parking Permit (RPP) areas as well as provide for 14,000 new street signs that reflect new RPP enforcement hours, and $204,000 for overtime will provide the enforcement at night and on weekends which is regularly requested by businesses and residential groups.

An increase of $848,000 will help eliminate the approximately $3,000,000 backlog in sidewalk repair complaints. This request is the second of three increases required to eliminate the backlog of repair requests and bring the pavements into optimal condition.

An increase of $277,000 will allow us to expand the inmate work release program from six months to a full year. This program provides jobs for inmates pending their release, and increases public space maintainence around our trees and in our parks.

The bridge maintenance division has requested $272,000 to increase the number of bridge repair crews from two to three. These crews are responsible for 283 structures throughout the city.

Finally, an increase of $240,000 will provide for 21 temporary positions in the area of motor vehicle registrations. There will be 6 new positions in the Inspection branch and 15 in the Registration branch. These positions will improve service and reduce waiting time, for the entire registration process.

SENATOR SPECTER:
3. From time to time the committee receives complaints about the time it takes to have a vehicle inspected or to obtain license tags or driver's license. Is consideration being given to streamlining any of these services?

JOHN TOUCHSTONE:
3. In each of the areas described, the Bureau of Motor Vehicle Services has taken steps to decrease the length of time it takes to provide service to the public.

The vehicle inspection process is being improved through the hiring of additional staff, to bring the complement of inspectors up to authorized strength. We now have an inspection lane leader for each of the four inspection lanes at the two D.C. operated vehicle inspection stations. The leaders oversee the operation of their particular lane and ensure that inspections are accomplished as expeditiously as possible. Major capital improvements have been undertaken to modernize testing equipment and to upgrade the inspection facility. Faulty testing equipment has been repaired or replaced, new exhaust emission analyzers have been purchased, and repairs to the physical plant have been initiated. In addition, the inspection stations are open each Saturday from 7:00 a.m. to 12:00 noon, and will remain so through July. Each of these actions has a positive effect on reducing the length of time that an owner/operator must wait to have a vehicle inspected.

The process of re-registering vehicles and obtaining license plates is being improved by bringing the staff up to authorized strength, and by cross-training staff members to perform various functions within the office. The cross-training enables management to reassign available employees to critical areas during periods of peak activity. The advent of Staggered Registration has also assisted in reducing the length of time in-person registrants must wait to be served, by evenly distributing renewals, throughout each of the twelve months. This contrasts with the previous format, where all vehicles had to re-register effective March 31st. Most importantly, we mail renewal applications to registrants and encourage them to complete the entire registration process by mail, thereby avoiding the necessity of having to come in to our offices to be served. Finally, public convenience has been much improved by extending hours of service. Each Wednesday, vehicle re-registration may be accomplished between the hours of 8:15 a.m. and 7:00 p.m. Additionally, each Saturday our offices are open from 8:15 a.m. to 2:00 p.m.

The process of obtaining or renewing driver's licenses and non-driver's identification cards is a well run operation, which is usually characterized by a short wait. The staff is at authorized strength and has been cross-trained for added efficiency. Occassionally, there will be a computer malfunction, which necessitates manual processing of applicants. When this occurs all available staff members are assigned to expedite the process by monitoring lines and providing assistance to make the wait as short as possible. The permit issuance office is open each Saturday from 8:15 a.m. to 4:00 p.m. for the convenience of persons wishing to renew their driver's licenses or non-driver's identification cards.

Since many of our services are provided on a walk-in basis, peak periods of activity will inevitably cause longer lines to develop. Particularly heavy periods are Mondays, Fridays, the 11:00 a.m. to 1:30 p.m. period which is the traditional "lunch period", and days immediately before and after holidays. When we receive calls inquiring about the best time to attempt in-person transactions, we advise the customers to avoid these periods if at all possible, and we make every effort to provide as much staff assistance as is available during these periods.

As always, we are constantly looking for ways to provide more efficient service to the public, and we will continue to implement changes to accomplish this goal.

QUESTIONS SUBMITTED BY SENATOR LAUTENBERG

SENATOR LAUTENBERG:

1. I have a list of 21 cases of alleged mismanagement and/or fraud, abuse, and conflict of interest which have come to light over the last year or so...They involve a number of different agencies and several high-ranking officials, including the former Deputy Mayor for Economic Development, Ivanhoe Donaldson, who is now in federal prison, the former President of the University of the District of Columbia, Dr. Robert L. Greene [sic], a former chief of Marketing for the D.C. Lottery, Alexander Exum, who has been sentenced to three years and fined $10,000; the former Deputy Mayor for Finance, Alphonse G. Hill; and, most recently, the former Administrator of the Youth Services Administration, Patricia Quann. This suggests to me that the City has some very serious problems in this area. Do you see mismanagement and official misconduct as significant problems?

MAYOR BARRY:

1. I have always emphasized that the upholding of the public trust is the cardinal responsibility of any public official or government employee. Citizens' trust in the integrity of their public servants is the cornerstone of democracy. Although 99.9% of the more than 38,000 D.C. Government employees are honest, the actions of a few "rotten apples" have compromised the public's perception of our entire work force. This situation is unconscionable, and I have pledged to make every effort to change it. Not only will I personally not tolerate mismanagement and malfeasance within my administration, but I will establish, uphold and enforce programmatic mechanisms throughout the District of Columbia Government to ferret out and bring to justice any D.C. employees who have violated ethical standards and thereby betrayed the public trust.

SENATOR LAUTENBERG:

2a. An article in the June 3, 1986, Washington Post indicates that you have formed some sort of "ethics strike force" and that a number of initiatives dealing with corruption and malfeasance are being developed. What is the nature of this strike force? What initiatives are you considering?

MAYOR BARRY:

2a. As a result of discussions held at a recent Mayor's Advance for members of my Cabinet, I appointed a Strike Force from the participants in the Advance to recommend to me ways of reinforcing my administration's commitment to maintaining the highest standards of ethical conduct among D.C. Government employees. The Strike Force has submitted to me a series of recommendations, which I have adopted, and whose implementation I announced publicly on June 26, 1986. In general, these actions are designed to strengthen and enhance existing ethical guidance and enforcement systems.

For instance, ethics training programs are being conducted for all D.C. employees, beginning with a session for my Cabinet Members on July 10, 1986; on July 15, publication will begin of a biweekly Procurement Digest listing in detail all D.C. Government contracting opportunities and contract awards; and the ethics counseling system for all D.C. Government agencies has been strengthened. Also, I will shortly announce the appointment of an independent Ombudsman, empowered to receive and investigate complaints of malfeasance by D.C. Government employees or contractors.

SENATOR LAUTENBERG:

2b. What do you think the root cause of this problem is? Why have there been so many cases of mismanagement, fraud, and conflicts of interest over the last year?

MAYOR BARRY:

2b. I think the recent rash of municipal corruption cases all across the country stems from several related causes. First of all, municipal government is now being called upon to deliver an expanded range of services with finite resources. The contracting out of government services to the private sector, both in order to overcome shortages of manpower, equipment and specialized skills and to provide a measure of the actual worth of a particular service in the markeplace, has therefore become more attractive. Simultaneously with this increased volume of contracting activity has developed the tightening of ties between government and business. In order to expand local tax bases and to lure or retain business within cities, local governments have become professional developers, thereby constructing "revolving doors" through which their specialists travel into high-paying private sector jobs. In this atmosphere, opportunities for fraud, malfeasance, and conflict of interest may flourish.

I would like to add that my administration is taking steps to preclude and/or counteract this situation. Further~~more,~~ it should be pointed out that, in comparison with the frequency and magnitude of incidents of high-level municipal corruption recently occurring in New York City, Chicago, Philadelphia, Boston, San Diego, and Atlantic City, misconduct within the District of Columbia dwindles in significance.

FEDERAL PAYMENT/DISTRICT BUDGET

SENATOR LAUTENBERG:
1. The administration's January budget requested $444.6 million for the federal payment. A budget amendment sent up by OMB in March makes it clear that this $444.5 million includes the $20 million advance appropriation for a District prison provided in last year's Appropriation Act. Both of you, however, indicate that you do not support the administration's revised request. When did the District change its position on this matter? Your budget, on page B-2, indicates unequivocally that the $444.5 million does indeed include the $20 million advance appropriation.

MAYOR BARRY:
1. According to the provisions of the District's Home Rule Charter, the President of the United States transmits the District's budget request to the Congress. On April 11, 1986, with the District's printed FY 1987 Operating Budget in hand, the Office of Management and Budget informed the District that it would not transmit the District's budget request to the Congress unless certain tables were changed to reflect the FY 1986 rescissions of the FY 1986 Gramm-Rudman-Hollings Act and the inclusion of the $20 million for the design and construction of a new prison in the FY 1987 federal payment of $444.5 million. The District was forced to abide by this dictate in order to have its budget transmitted to the Congress; we reprinted the FY 1987 Operating Budget, including specifically page B-2, with the required changes. However, my position on changing the budget document to reflect the change in the FY 1987 appropriations language was, and is, that: it is wrong to earmark a portion of the federal payment; the District should not have to reduce its FY 1987 expenditures by $20 million because OMB mistakenly omitted the $20 million in its FY 1987 federal payment outlay total; and the OMB directive to change the budget submission in order to have the budget submitted to the Congress is an unwarranted intrusion into home rule. I sent a letter to Senator Specter on April 23, 1986, expressing my strong concerns in these matters.

SENATOR LAUTENBERG:
2. What level of federal payment does your FY 87 budget assume--$425 million or $444.5 million?

MAYOR BARRY:
2. The FY 1987 approved budget now under Congressional consideration is based on the assumed appropriation in FY 1987 of a $425 million

federal payment. The budget assumed that, in addition to this amount, the $20 million appropriated in advance in FY 1986 would be made available. Since under the Home Rule Charter, the District cannot submit a budget to the Congress that is based on a federal payment amount in excess of the amount authorized by Congress, the District's budget must be balanced without additional federal payment authority the President's request may include. However, following past procedure, the District intends to submit an amended FY 1987 budget request if the authorized federal payment level is increased. This request will be for additional spending authority needed for the police pay raise, the payment to the Bureau of Prisons, and optical and dental benefits for District employees.

SENATOR LAUTENBERG:
3. The operating budget you propose, which already provides for increases of $154 million and 829 positions, is based on a federal payment of $425 million. Isn't that correct?

MAYOR BARRY:
3. By law the District must submit a budget to Congress based on the currently authorized federal payment amount. For FY 1987 this amount is $425 million. Another $20 million was already appropriated for the prison facility for FY 1987 in the FY 1986 budget. The FY 1987 increases in spending and positions will be financed from increases in local revenue sources. Through a combination of an improved economy, a vigorous economic development program over the last several years, and careful management of our scarce resources the District has finally been able to gain enough resources to reinvest meaningfully in programs with long-term economic and social benefit. The conceptual history of the federal payment shows that these local resources are not supposed to subsitute for an equitable federal payment. The concept of the federal payment is not to provide countercyclical aid to the District--to decrease when District revenue increases and vice versa. Rather, the federal payment is to reimburse the District for the extraordinary net cost to the District of the federal presence. This cost has risen apace of the costs of police protection, the taxes foregone on tax-exempt property, and value of the prohibition against taxing nonresident income. Taking into account the century-old concepts of the federal payment and the many studies of the District-federal fiscal relationship (including those commissioned by the Congress), the federal payment to the District should increase in FY 1987. The $444.5 million originally requested by the administration is a fair amount since it is based on the forecast for the changes in the prices for the costs of state and local goods and services.

SENATOR LAUTENBERG:
4. What is your estimate of total local revenues for FY 86? How much did your original FY 86 budget underestimate local revenues? So it is fair to say that your prospects for local revenue are pretty bullish, isn't it?

MAYOR BARRY:
4. Total FY 1986 General Fund revenue and other sources were originally estimated at $2,287.5 million. Total revenue and other sources financing the revised FY 1986 General Fund budget are estimated at $2,319.1 million, a $31.6 million or 1.4 percent increase over the original forecast. Estimates of local revenue were raised

$43.3 million, or 2.4 percent. Both of these percentage increases are very small. Indeed, to characterize the District's local revenue prospects as "pretty bullish" is a misnomer. Most governments operate with reserves of at least 5 percent of their budget. In addition, if it were not for the exceedingly modest increase in estimated FY 1986 revenue, the District would not be able to weather the discriminatory $16.8 million reduction in its federal resources that it received as a result of the Gramm-Rudman-Hollings Act sequestration. Of all the state and local governments in the country the District has been singled out unfairly as the one that must not only sustain reductions in its grant-in-aid programs but also in the reimbursement that it receives because of the extra costs it incurs as the nation's capital.

SENATOR LAUTENBERG:
5. Your FY 87 general operating budget proposes an increase of 829 positions and $150.6 million. How do you suggest we justify these increases and an increase in the federal payment when federal domestic programs are being cut on top of reductions in prior years? Federal domestic discretionary programs, for instance, are currently 18 percent below the FY 81 baseline. The federal payment, in contrast, has gone from $300.0 million in 1981 to $412.4 million (post-sequestered) in FY86.

MAYOR BARRY:
5. The federal payment to the District of Columbia is not a federal domestic grant-in-aid program and it is not like a federal domestic grant-in-aid program. The federal payment to the District of Columbia has an entirely different conceptual basis. It is compensation for the extraordinary net costs the District government incurs because of the federal presence in the nation's capital. The costs and obligations imposed on the District as the seat of government do not ebb and flow with the changing emphasis of federal budget policy, except over the very long run. Therefore, the federal payment should also not change as the annual federal budget grows and shrinks and shifts between domestic and defense programs but should move parallel to the rising costs of the federal presence. That is why the federal payment to the District has grown since 1981. On the other hand, federal domestic grants-in-aid that the District does receive in common with the other state and local governments should be, and are, subject to prior-year reductions, the FY 1986 automatic rescissions, and whatever reductions are approved for FY 1987.

PROCUREMENT REFORM

SENATOR LAUTENBERG:
1. A primary purpose of the Act is to provide for a uniform system of procurement management for the District of Columbia government. Does the Act apply to such agencies as the University of the District of Columbia and the District of Columbia Public Schools? If not, what is being done to ensure that these agencies' procurement systems comply with the District Government's standards?

MAYOR BARRY:
1. The Act does not apply to independent agencies such as the University the District of Columbia and the District of Columbia Public Schools. Section 104(e) does provide, however, that any branch or agency not covered by the Act may formally agree to be bound by any provisions of the Act, or by the final rules and procedures adopted pursuant to the Act. It reasonably can be in-

ferred that the independent agencies will comply with the District Government's procurement standards (as set forth in the Act) for two reasons. First, Section 202(e) of the Act requires all independent agencies (1) to develop or modify their existing materiel management information systems to be compatible with the reporting system that will be utilized by all agencies covered by the Act, or (2) to utilize the reporting system developed by the Director of the Department of Administrative Services (DAS) on a cost-reimburseable basis. Second, Section 202(e) of the Act also requires the Mayor to issue rules setting forth requirements to promote compatibility between the Materiel Management Information System (MMIS) required by the Act and the procurement information systems of the various independent agencies.

SENATOR LAUTENBERG:
2. Section 105 of the Act places limitations on contracting authority. However, Section 105(c) authorizes each contracting officer to redelegate any contracting authority to other officials. An annual list is published of each contracting officer. What types of controls are being imposed to ensure that widespread contracting authority is not being applied and that contracting officials are being identified, reported, and held accountable?

MAYOR BARRY:
2. These objectives are achieved in part through the use of form DAS 86-202, which (1) identifies the person to whom contracting authority is being delegated, (2) limits the authority to a specified dollar amount for supplies, services, or construction, (3) lists the applicable limitations, and (4) specifies the period for which contracting authority is delegated. Copies of the form are distributed to DAS, the Office of the Inspector General, the Office of the Mayor, and the contracting agency. In addition, a Contracting Officer Certification Program is being developed. It will establish minimum standards to be met by District employees to whom contracting authority is delegated.

SENATOR LAUTENBERG:
3. Section 106 of the Act requires that every determination by this Act be in writing and that written findings be retained in the official contract file. What controls are being imposed to ensure that such determinations are being reported?

MAYOR BARRY:
3. The required Determination and Findings are prepared by contracting officers before they can issue competitive sealed proposals or engage in sole source procurement. The Determination and Finding form (DAS 86-203) requires (1) certification by the contracting officer as to the facts set forth therein, and (2) written approval by the Director of DAS. Before the procurement can proceed further, the Determination and Finding form must be sent to DAS, reviewed by the Procurement Review Committee, and signed by the Director. Unless the Determination and Findings have been approved, the agency cannot proceed with the procurement.

SENATOR LAUTENBERG:
4. Section 302(c) of the Act states the Director, DAS, shall maintain a record listing all bids and proposals made under sections 303, 304, and 305 of the Act. What procedures have been adopted to ensure that such bids and proposals are recorded.

MAYOR BARRY:

4. Pursuant to Section 202(d) of the Act, all agencies covered by the Act are participating in the establishment of a comprehensive computer-based Materiel Management Information System (MMIS). As required by Section 202(c)(1) of the Act, the MMIS will be designed to collect, organize, disseminate, maintain, and report procurement data. All agencies covered by the Act will be required to furnish the information. Currently, through the use of Form DAS 86-201, such information is being collected on an interim basis.

SENATOR LAUTENBERG:

5. Section 304(g) of the Act states the Mayor shall issue rules concerning the procurement of architectural and engineering services, medical and human care services, and real property appraisal services. The rules and procedures are to be consistent with the requirements set forth in Title IX of the Federal Property and Administrative Services Act of 1949, approved October 24, 1972. Have such rules and procedures been issued and if not, when are they expected.

MAYOR BARRY:

5. Before the Act, the procurement and contracting rules and regulations were set forth in the District of Columbia Materiel Management Manual. After the Act became effective, emergency regulations were published in the District of Columbia Register of May 2, 1986 (33 D.C. Reg. 2698-2710). The emergency regulations incorporate by reference and reconcile provisions of the Materiel Management Manual with provisions of the Act. A Regulations Working Group, charged with the responsibility for developing regulations to implement the Act, has been in existence since December, 1985. The rules and procedures for procurement of architectural and engineering services, medical and human care services, and real property appraisal services are currently being drafted. It is anticipated that the regulations will be submitted to the City Council for approval on August 23, 1986.

SENATOR LAUTENBERG:

6. Section 314 of the Act states that the Director, DAS, may inspect the plant or place of business of a contractor or any subcontractor under any contract awarded or to be awarded by the District government. He may also audit the books or records under certain circumstances. Have any such inspections or audits been performed since the effective date of the Act? If so, how many?

MAYOR BARRY:

6. Procedures for inspecting contractors' and subcontractors' plants and places of business, and for auditing their books and records, are being developed. Inspections will be performed on an as needed basis. The first inspections and audits are scheduled to begin before the end of August, 1986.

SENATOR LAUTENBERG:

7. Section 601 of the Act states the Mayor shall issue rules for determining the reasonableness of price and establishing cost principles, based upon generally accepted accounting principles. Have such rules been issued? If so, please furnish a copy. If not, when do you anticipate such rules to be issued?

MAYOR BARRY:
7. DAS (Materiel Management Administration) has an in-house office memorandum dated February 19, 1986, on cost and price analysis which describes when cost and price analysis is required and how it is to be administered. Additionally, the regulations implementing the Act are currently being drafted. It is anticipated that the regulations will be submitted to the City Council for approval on August 23, 1986.

SENATOR LAUTENBERG:
8. Section 901 of the Act creates the Contract Appeals Board in the executive branch of the District government, composed of a chairperson and four other members. Have the members been appointed? If so, who are they? Has the Board adopted operating procedures?

MAYOR BARRY:
8. Pursuant to Mayor's Order No. 86-65 (dated Apr. 22, 1986), the pre-Act Contract Appeals Board shall continue to function until the new Board is established in accordance with the Act.

D.C. DEPARTMENT OF CORRECTIONS

SENATOR LAUTENBERG:
You stated that 60 percent of the 400 inmates who have received training under the vocational training/education programs funded as part of the Criminal Justice Initiative are now employed. I have a couple of questions.
1. Where are the 40 percent who are employed?

MRS. WASHINGTON :
We presently do not have a systematic basis for retrival of this type information. The employment/placement process for the Second Chances Program has not been fully developed. However, this area has high priority for next fiscal year. We will be able to provide this type information with the new system being developed.

SENATOR LAUTENBERG:
2. What are the comparable figures for former inmates leaving prison or jail during the same period who have not received training under these programs?

MRS. WASHINGTON:
A definitive comparison is not possible, as the Department of Corrections did not identify a sample group with whom a comparison could be made.

SUBCOMMITTEE RECESS

Senator SPECTER. I would like to go on, but we are over time now. I want to thank you very much, Mayor Barry, and I want to thank you very much, Chairman David Clarke, and I want to thank you, Ms. Washington, and we will pursue these matters as indicated.

Thank you.

Mayor BARRY. Thank you very much, Mr. Chairman.

[Whereupon, at 11:10 a.m., Wednesday, June 4, the subcommittee was recessed, to reconvene at 10 a.m., Wednesday, June 11.]

MATERIAL SUBMITTED BY NONDEPARTMENTAL WITNESSES

[CLERK'S NOTE.—The following statements and accompanying material on the District of Columbia budget for fiscal year 1987 were submitted by community witnesses:]

STATEMENT OF GEORGE FRAIN

I am George Frain, I reside at 1789 Lanier Place, N.W., in the inner city area of the District of Columbia.

I write a column, titled "The View From Adams Morgan" for The InTowner, a monthly newspaper which is read by more than 65,000 residents and visitors.

At the same time, I am secretary, of the 18th and Columbia Road Business Association, a position I have held for a number of years.

And I am first vice president of the Federation of Citizens Associations of the District of Columbia. I am testifying today as a concerned citizen.

I am credited by Congress with having had a significant role in getting the legislation creating the Kennedy Center for the Performing Arts through the Congress in 1958 in order to establish a national stage for artists to end the disgraceful situation where Marion Anderson was denied the stage in Constitution Hall. I trust this will be enough to identify my interests.

Issues which I will discuss and bring to your attention today are of some considerable importance, not only to this great city but to the Congress.

Recreation Department budget item

On page 1804, of volume 3, we find this item in the budget submitted by Mayor Barry and the City Council to Congress:

> "An addition will be built to the Kalorama Recreation Center field house to provide for recreation and community activities for the Latino population that is centered on the Adams-Morgan neighborhood."

This looks straight-forward enough on first glance, but the issue is not simple, and its history is quite important, as will be seen from the letters and committee reports attached to my statement herewith.

On March 3, 1986 the City Council Committee chaired by Council Member H. R. Crawford submitted a report to all city council members which was in direct response to this D. C. Recreation Department request:

> "The Committee also approves $400,000 for the construction of an addition to the fieldhouse at the Kalorama Recreation Center to accommodate activities of the Hispanic community in Ward 1. It is intended that this facility will become a community center for the large Hispanic community living in the Adams-Morgan area and its vicinity. The addition will include a large multi-purpose activity room which can be separated into 2 or more smaller spaces by folding dividers, a commercial kitchen with the capacity to serve 100 persons, and additional restroom and storage facilities."

On May 12, this language was discarded by the Committee on Libraries, Recreation and Charitable Games in a second report to all City Council Members, and the new language reads as follows:

> "The Committee also approves $400,000 for the expansion or rehabilitation of an existing recreational facility in Ward 1 to accommodate community activities. The Department of Recreation,

> after consulting with the Ward 1 community, the Committee and the Office of the Ward 1 councilmember, shall recommend the most appropriate facility or facilities for expansion or rehabilitation, along with a scope of work for the project, to the Committee on Libraries, Recreation and Charitable games."

I include as part of my statement the following items which make clear that the intention of the City Council Committee on Libraries, Recreation and Charitable Games is now,after further consideration, as follows:

> "The Committee wishes to note for the record that in approving this capital project it in no way intended that it be set-aside or designated solely for the use of any particular group or persons. In addition, the Committee's staff in attempting to locate an appropriate recreational facility that could be[a] prime candidate for expansion consulted both the Department of Recreation and others. The designation of the Kalorama Center has met with some opposition in the Ward 1 community."

Next, I include a letter from Council member Frank Smith, Jr. dated April 27, 1986 to the president of the Kalorama Citizens Association, in which he says in part that:

> "In a letter dated April 14, 1986 to Councilmember H. R. Crawford, you indicate that I was the proponent of the $400,000 request and suggested the language in the Committee Report that would restrict use of the facility to the Hispanic community in Adams Morgan. I am concerned that such an erroneous statement could have been so widely circulated without any comment from me. I thought we were better friends.
>
> "I firmly support access to public accommodations by all people regardless of race, creed, color or ethnic background. Particularly in light of the tremendous influx of political refugees from Central America in the recent past, who have settled in Adams Morgan, I believe the D. C. Government can and should do more to help these persons in areas such as housing, education, legal assistance, and recreation. However, the assertion that I reserved funds to be exclusively for for the benefit [of] one group is not only erroneous and unfair, but probably violates our D. C. Human Rights Act."

In a letter from Arlene F. Gillespie, executive director, Office on Latino Affairs in the Executive Office of the Mayor, whose office is in the Adams Morgan area at 1801 Belmont Road, N.W., she writes (see her letter attached)--

> "In response to the Kalorama Park proposal, please be assured that I too am committed to ensuring that any city program recommended for Ward One respond to the needs of all area residents, not just one sector of those residents. While I advocate on behalf of city efforts to respond to a growing Latino constituency through cross-cultural programs, I will not do so to the exclusion of any other sector of our city's diverse population. As you well know, our goal is one of assisting Latino residents, particularly new arrivals, in becoming familiar with life in a totally new, urban environment.... Our mutual goal is to ensure that the park retains the delightful multicultural atmosphere that it has had for many years, and continues to bring area residents together in a safe place to enjoy our attractive city."

I include as part of my remarks the following two items in addition to the others referred to above:

One is a letter from F. Alexis H. Roberson, director, D. C. Recreation Department dated April 10 in which she writes in part:

"We have no intention of restricting the use of any part of the

> center to a single group. I have discussed this with Councilmember Crawford, and he has expressed his full agreement with this policy."

I also include a memorandum from Councilmember Carol Schwartz to Councilman H. R. Crawford under date of March 19, 1986. She wrote:

> "I request that the language in this report be rewritten to make clear that our intent was that all residents will be welcome to use the facilities of the Kalorama Recreation Center, now and in the future. Further, I hope that in upcoming communications no language will be included which would even give the appearance that this Center is to be used exclusively by only a select group of our citizens. The cooperative spirit of the Adams-Morgan Community is something in which all of us can take great pleasure; I would not want to do anything to damage that wonderful spirit."

In view of the above information and the attached relevant documents, I urge your Subcommittee to bring the FY 1987 D. C. Recreation Department budget language into line and conform with the appended revised report of May 12 of the City Council's Committee on Libraries, Recreation and Charitable Games.

Councilmember Frank Smith's Letter Calls Attention to Refugee Problem

Councilmember Frank Smith, alone of all the present City Council members, has spoken out many times about the plight of "the tremendous influx of political refugees from Central America in the recent past, who have settled in Adams Morgan."

No one who lives in Adams Morgan, and my wife and I have lived in the Adams Morgan area near 18th Street and Columbia Road, and only a block from that well-known intersection, can fail to be deeply concerned with the plight of these political refugees who are on the streets and in the parks of Adams Morgan, in surprising numbers in all kinds of weather, in summer heat and winter cold.

It is shocking that church leaders of the sanctuary movement which helps bring these political refugees into this city in such great numbers seems to have so little continuing concern for their physical needs, their need for jobs, their need for basic health and human services, their motto appears to be "Bring them in and dump them on the D.C. streets".

I call your attention in this connection the so-named "Latino Community Agenda", published on June 7, 1985 "with special recognition to the Director and Staff of the Mayor's Office on Latino Affairs for their cooperation and assistance." This significant report was developed by the Ad Hoc Coalition for a Latino Community Agenda. Copies of this important Report can be obtained free from Arlene Gillespie, executive director, Office on Latino Affairs which is in the Executive Office of the Mayor and a vital part of it.

The Office on Latino Affairs needs the help of your Appropriations Subcommittee to deal with the flood of political refugees, yet the Congress, the President and his Administration, and Mayor Barry and the City Council, have done almost nothing to help these huge numbers of political refugees.

Their guiding principle seems to be, "don't recognize them and they'll go away."

If you have any doubt that the enormous size of the influx of political refugees into this city amounts to a flood, and that little is being done about that flood, I call your attention to the following excerpts from the "Latino Community Agenda" --

> "The District Government's Office of Policy and Program Evaluation (OPPE) estimated in November of 1983 that the growth rate of the District's Latino community since 1980 was 10,000 persons per year....Ten thousand persons added each year over the period 1980 to 1985 (50,000) to the baseline figure of 17.5 thousand produces the sum of 67,500 Latinos, of a minimum of ten percent of the District's population.

* * * * *

> "The District of Columbia Public Schools entrolled 797 "Hispanic" children in School Year 1980-81; only three years later the school system's first-time Spanish-language registrants numbered 3,166. The same rate is reflected in "Hispanic" registrants in adult English classes during the same period. In addition to immigrants, OLA [Office of Latino Affairs] estimated in 1982 that the number of live births to "Hispanic" parents residing in the District represented 5.5 per cent of all live births to District residents. OLA estimates that the current percentage is probably one and one-half times that amount, adding dramatically to what the Newcomers study (Grier Partnership, 1983) called the "immigrant wave" which is "changing America." "There can be no blinking the fact," the study continues, "that the needs [of the new immigrants] are immense, and that the loss of public support create a gap which the private sector cannot bridge".

Among the "Issues" cited in the Latino Community Agenda is this one:

> "Community-based organizations estimate that an average of 160 refugees from El Salvador alone arrive in the District each week.
>
> "Since refugees and immigrants flee areas of economic instability and violence with few resources to sustain them in a foreign country, there is a temporary need for vital services in the following areas: legal protection, advocacy before Federal agencies, job training and employment, housing and health services.
>
> "RECOMMENDED ACTIONS
>
> "Issue an Executive Order declaring that the policy of the Mayor is to encourage equal access by all persons residing in the District to full benefits, opportunities and services provided by programs funded with local revenues and not subject to Federal regulations."

There are a number of other important actions recommended by the Latino Community Agenda to bring help to these political refugees and immigrants. Yet the District and Federal governments are silent as to the problem, and silent to as to the relief needed by these people who are flooding into Washington.

But most silent of all are the church leaders in the sanctuary movement, the great church leaders, who are bringing these political refugees and immigrants into the District of Columbia and giving them what amounts to no more than a pat on the back.

These sanctuary movement leaders are not up here asking for increased appropriations, they are not before the Federal departments and agencies, or the District departments dealing with housing, health and human services, employment, and pleading for the kinds of help needed and appropriations which will provide that help. Which is what they should be doing.

But they are before the Television cameras and reporters and they are being interviewed by the newspapers and the magazine reporters to justify their sanctuary efforts which are so lacking in providing the basics to these political refugees and immigrants, such as housing, food, clothing, medicines and so on. Some of these people swell the ranks of the District's homeless.

Federal and D. C. Funds are Provided the Arts However by Congress

On May 20, 1986 a three-judge panel of the D. C. Court of Appeals upheld the validity of a District initiative guaranteeing "adequate overnight shelter" for homeless people. Maybe this will open the gates to help for the political refugees and immigrants whom Councilmember Frank Smith, Jr. and the Office on Latino Affairs are trying to help but can do so little for because of lack of funds and lack of legislative power to deal with this huge flood of people.

However, the District Government and the Congress will give more than $2 million dollars in the FY 1987 D. C. Budget for the D. C. Commission on the Arts and Humanities to assist cultural programs for the well-keeled and affluent.

I include as part of my remarks a March 17, 1986 report from the Washington Post titled "The Million-Dollar Maestro" which states in part that:

> "In 1977, three years after master cellist Mstislav Rostropovich left the Soviet Union, he was on the cover of Time, hailed as the possible savior of the National Symphony Orchestra.
>
> "Now after more than a decade in the West, the talented, ebullient Rostropovich--superstar in exile -- has been rewarded by more than applause. He is rich.
>
> "Last year--the 1984-85 season--the maestro received $606,250 for his work as the NSO's music director and conductor, according to figures released by the orchestra's new executive director, Stephen Klein. During the past three years, Rostropovich received nearly $1.5 million from the orchestra, including $372,623 for the 1983-84 season and $488,000 for 1982-83."

In is due to such huge income that President Reagan in his 1987 Budget set forth the proposal to rescind the 1986 appropriation for the National Capital Arts and Cultural Affairs program.

The National Endowment for the Humanities provided the Congress further information explaining the reasons behind the rescission proposals.

Nevertheless, the Congress refused to rescind, and appropriated

$1.9 million to help make the National Symphony Orchestra and its "talented, ebullient" conductor even richer than they are now.

This is, if my figures are right, a total of $3.9 million for the arts and zero, zero, zero for the terribly neglected needs of the political refugees and immigrants on the streets of Adams Morgan, many of whom, when they are housed at all, are living in fire traps. In fact, it was only a few short months ago that 10 of them were killed, and 9 terribly injured, in a fire on Irving Street in the Mount Pleasant area just a few blocks north of the Adams Morgan area. The refugees need that $3.9 million, the National Symphony doesn't.

Please help them, and help them now, since the church sanctuary movement seems to ignore them completely once they have gotten them into the District of Columbia.

LETTER FROM FRANK SMITH, JR., COUNCILMEMBER, FIRST WARD

April 27, 1986

Mr. Manuel B. Lopez
President
Kalorama Citizens Association
P. O. Box 21311
Washington, D.C. 20009

Dear Mr. Lopez:

I am writing to you so that the record can be clear on my position regarding the proposed capital improvement budget request for an addition to the fieldhouse in Kalorama Park. In a letter dated April 14, 1986 to Councilmember H. R. Crawford, you indicate that I was the proponent of the $400,000 request and suggested the language in the Committee Report that would restrict use of the facility to the Hispanic community in Adams Morgan. I am concerned that such an erroneous statement could have been so widely circulated without any comment from me. I thought we were better friends.

I firmly support access to public accomodations by all people regardless of race, creed, color or ethnic background. Particularly in light of the tremendous influx of political refugees from Central America in the recent past, who have settled in Adams Morgan, I believe the D.C. Government can and should do more to help these persons in areas such as housing, education, legal assistance, and recreation. However, the assertion that I reserved funds to be exclusively for the benefit one group is not only erroneous and unfair, but probably violates our D.C. Human Rights Act.

I am concerned, however, that all of this outpouring against the Hispanic Community will cause Ward I to lose the money identified in the Committee Report at a time when there are many good and valuable purposes that it could serve. We must discuss these concerns under proper circumstances.

Therefore, I am prepared to support the deletion of language from the March 3rd Report of Committee on Libraries, Recreation and Charitable Games as it was unfortunate in the first place. I will also support a community forum for identifying other recreational facilities within Ward I that are in need of improvement.

Sincerely,

Frank Smith

Frank Smith, Jr.

Letter From Arlene F. Gillespie, Executive Director, Office of Latino Affairs

Mr. J. George Frain
Secretary
18th & Columbia Road Business Association
1777 Columbia Road, N.W.
Washington, D.C. 20009

April 8, 1986

Dear Mr. Frain:

Thank you for your April 7 letter and attachments regarding the Irving Street fire and the Kalorama Park issue. I sincerely appreciate your concern for the welfare of Ward One residents and am encouraged by the responses you have received with regard to the housing/fire prevention issue.

In response to the Kalorama Park proposal, please be assured that I too am committed to ensuring that any city program recommended for Ward One respond to the needs of all area residents, not just one sector of those residents. While I advocate on behalf of city efforts to respond to a growing Latino constituency through cross-cultural programs, I will not do so to the exclusion of any other sector of our city's diverse population. As you well know, our goal is one of assisting Latino residents, particularly new arrivals, in becoming familiar with life in a totally new, urban environment.

Our past efforts with the Department of Recreation have been to design programs which will attract Latino youth to join in activities with youth of other backgrounds. Prior to receiving your letter, I had already recommended that any discussions affecting Kalorama Park must include the Kalorama Citizens Association. Our mutual goal is to ensure that the park retains the delightful multicultural atmosphere that it has had for many years, and continues to bring area residents together in a safe place to enjoy our attractive city.

Sincerely,

Arlene F. Gillepie
Executive Director

Letter From F. Alexis H. Roberson, Director, Recreation Department

Mr. J. George Frain
Secretary
18th and Columbia Road Business
Association
1777 Columbia Road, N.W.
Washington, D.C. 20009

April 10, 1986

Dear Mr. Frain:

This is in reference to our telephone conversation today about the proposed addition to the fieldhouse at the Kalorama Recreation Center.

By including this project in the 1987 Capital Improvements Budget, the Department of Recreation is implementing the action by the City Council.

This Department, after a careful inventory and analysis of the adequacy of all of its recreation facilities, concluded that the Kalorama fieldhouse is too small to accommodate an effective neighborhood recreation program, and that an addition is needed to provide for such a program. In addition, we feel that this facility should provide space for a range of community activities and events because of the great diversity of the population in this neighborhood and the need to encourage all ethnic and other groups to participate in community activities. We have no intention of restricting the use of any part of the center to a single group. I have discussed this with Councilmember Crawford, and he has expressed his full agreement with this policy.

In developing detailed specifications for the design of the building after the budget's approval by Congress, we will follow our normal procedure of reviewing the specifications and the design with the Advisory Neighborhood Commission concerned and with other community organizations. Elements will not be included in the design if there is a consensus in the community in opposition to them.

In the meantime, I will be happy to meet with the 18th and Columbia Road Business Association or any other community group to discuss the project further. I hope that no moves will be undertaken to slow the process of improving this important center.

Sincerely yours,

F Alexis H Roberson

F. Alexis H. Roberson
Director

MEMORANDUM FROM COUNCILMEMBER CAROL SCHWARTZ

To: Councilmember H.R. Crawford, Chairman
Committee on Libraries, Recreation, and Charitable Games
From: Councilmember Carol Schwartz

Date: March 19, 1986 CS

Subject: Kalorama Recreation Center Addition

The March 3 Committee Report of the Committee on Libraries, Recreation, and Charitable Games on the Executive's Requested Appropriated Operation and Capital Budget Authority for Fiscal Year 1987, and Related Matters includes on page 9 an approval of $400,000 for the construction of an addition to the fieldhouse at the Kalorama Recreation Center.

I feel that the language of the report on this subject is unfortunate. The report reads that the addition is "to accommodate activities of the Hispanic community in Ward 1." The report further reads that "it is intended that this facility will become a community center for the large Hispanic community living in the Adams-Morgan area and its vicinity."

I hope that the Center will be used and enjoyed by our Hispanic Community; that was my hope and my intent when I supported the funding. However, there are large numbers of non-Hispanic citizens living in the affected area as well. It was not my intent -- nor do I believe it was your intent -- to exclude any District resident from the use of the expanded facility or any other public facility in the District. The Adams-Morgan area -- one of the most interesting and diverse areas of our City -- justly prides itself on the unity and brotherhood of all of its residents.

I request that the language in this report be rewritten to make clear that our intent was that all residents will be welcome to use the facilities of the Kalorama Recreation Center, now and in the future. Further, I hope that in upcoming communications no language will be included which would even give the appearance that this Center is to be used exclusively by only a select group of our citizens. The cooperative spirit of the Adams-Morgan Community is something in which all of us can take great pleasure; I would not want to do anything to damage that wonderful spirit.

LETTER FROM JOHN AGRESTO, ACTING CHAIRMAN, NATIONAL ENDOWMENT FOR THE HUMANITIES

The Honorable Sidney R. Yates
House of Representatives
Washington, D.C. 20515

March 3, 1986

Dear Sid:

As promised, here are my thoughts on some of the problems we will run into as we proceed with the National Capital Arts and Cultural Affairs Program. As I mentioned, we are not requesting its continuation in FY '87 and OMB has asked for a rescission in FY '86. We are, however, ready to go ahead with the program in '86 -- we have the forms and announcements at OMB for approval -- in case the rescission fails; but for the reasons below I do support the rescission.

First, each of the nine organizations listed in the legislation is fully eligible to apply for grants from us, from IMS, and from the Arts Endowment. They can and do come in for challenge grants as well as for program support. In fact, some are already coming in for second challenge grants. Seven of the nine institutions have been awarded grants within the last three years. Indeed, the total funding for them for our three agencies has been very high, over $8 million in just the last three years. I'm sure critics will say that an extra $2 million a year set aside for their exclusive use is uncalled for. (I have attached the figures for each institution at the end of this letter.) If our panels start looking more critically at regular applications from these organizations because they already have a sheltered set aside, some of the organizations may well come out worse in the end. To be honest, I can't imagine panels jumping to award a challenge grant to any of these institutions knowing that they already have a secure avenue of federal money.

In any event, what this new legislation does is open yet another and special door for these organizations, one that is hardly necessary since the way is already wide open.

Second, because the way is already wide open, this new pot of sheltered funds can only serve to irritate those left out. This includes not only all other organizations throughout the country that have to go through stiff competition to get funded, but also those smaller D.C. cultural organizations without $1 million in operating funds (but who are solidly part of the cultural matrix of the city). Freezing out the smaller institutions seems to imply that those to whom much is already given, even more shall they receive. This will be the only program we run that is set up to reward size and geography and that prohibits otherwise qualified organizations from applying.

Finally, as we discussed when we had lunch, given the way the legislation reads this will be the only program we have that cannot be run by peer-review competition.

(To have so small a pool of permitted applicants competing with each other would be cutthroat, and eliminating one or two after review would raise a fire storm.) I worry about the awkward precedent such a non-competitive program sets, and I would not want to see others patterned after it. I am not saying that we cannot do it -- only that it makes me uneasy and I certainly would not want it to become a wedge for other non-peer-review programs to come along later.

As always, be assured that if the rescission fails we are ready and able to carry out this program on schedule. But, as you can see, I'm still not sure it is the best way -- or even a good way -- to support D.C. cultural institutions.

As is customary, a copy of this letter is being sent to Senator McClure.

Sincerely,

John Agresto
Acting Chairman

TOTAL FUNDS AWARDED TO SELECTED WASHINGTON, DC ORGANIZATIONS

National Endowment for the Humanities

	FY 1983	FY 1984	FY 1985	Total
Capital Children's Museum	-	$ 241,894	-	$ 241,894
Corcoran Gallery	$ 20,000	94,200	$ 187,500	301,700
Folger Shakespeare Library	722,140	607,486	465,239	1,794,865
Phillips Collection	-	-	150,000	150,000
Total	$ 742,140	$ 943,580	$ 802,739	$2,488,459

National Endowment for the Arts

Arena Stage (Washington Drama Society)	$1,050,000	$ 592,500	$ 618,500	$2,261,000
Capital Children's Museum	7,500	12,000	7,800	27,300
Corcoran Gallery	23,000	132,500	152,700	308,200
Folger Shakespeare Library and/or Theater	22,335	8,394	21,000	51,729
National Symphony Orchestra	200,000	254,800	1,145,000	1,599,800
Phillips Collection	175,000	5,000	-	180,000
Washington Opera	135,000	135,000	642,500	912,500
Total	$1,612,835	$1,140,194	$2,587,500	$5,340,529

Institute of Museum Services

Corcoran Gallery	$ 50,000	$ 75,000	-	$ 125,000
Folger Shakespeare Library	50,000	50,000	$ 75,000	175,000
Phillips Collection	-	10,000	-	10,000
Total	$ 100,000	$ 135,000	$ 75,000	$ 310,000

SUMMARY

Total Funds Awarded to Selected Washington, DC Organizations

NEH, NEA, IMS

	FY 1983	FY 1984	FY 1985	Total
Arena Stage (Washington Drama Society)	$1,050,000	$ 592,500	$ 618,500	$2,261,000
Capital Children's Museum	7,500	253,894	7,800	269,194
Corcoran Gallery	93,000	301,700	340,200	734,900
Folger Shakespeare Library and/or Theater	794,475	665,880	561,239	2,021,594
National Symphony Orchestra	200,000	254,800	1,145,000	1,599,800
Phillips Collection	175,000	15,000	150,000	340,000
Washington Opera	135,000	135,000	642,500	912,500
Total	$2,454,975	$2,218,774	$3,465,239	$8,138,998

RESOLUTIONS ADOPTED BY THE FEDERATION OF CITIZENS ASSOCIATIONS OF THE DISTRICT OF COLUMBIA

The following resolutions were adopted at the May 8, 1986 meeting of our Federation.

They were approved by President Stephen A. Koczak who was recently renominated as our president. Mr. Koczak is planning to run for Congress from the Fourth Congressional District seat now occupied by Representative Christopher H. Smith (R-N.J.). Trenton, New Jersey is in the Fourth Congressional District of New Jersey.

1. Resolved, to oppose legislation permitting prisoners to be released solely for purposes of reducing prison overcrowding, and to urge Mayor Barry to refrain from releasing prisoners for this sole purpose.

2. Whereas, the D. C. prison system is so overcrowded that releasing prisoners to relieve overcrowding is being seriously considered by Mayor Barry; and

Whereas, overcrowding, threatened court intervention in the management of the prison system, and the age of existing facilities suggest a need for a new prison facility; and

Whereas, the District of Columbia government, utilizing the Federal funds Congress is providing to build a new prison in the District, should be able to construct a model prison facility; and

Whereas, Mayor Barry's proposed location of the new facility, near the D. C. Armory, or a site at Camp Simms, seem to be appropriate, provided no prisoners likely to prey on the community or use illegal drugs are housed in the new facility; and

Whereas, the justice system's trend today of incarcerating violent offenders more frequently and for longer periods has support among many experts and society in general, reflecting the widening view that punishment is a just and effective way to deal with criminals and reduce high crime levels;

Now, therefore, be it resolved that the Federation of Citizens Associations of the District of Columbia supports the position of Mayor Marion Barry who favors construction of a new prison facility; and, further, supports the proposed Congressional appropriation of $20 million or more needed to construct such a prison facility; but opposes including prison construction funds within the Federal Payment to the District of Columbia or off-setting the Federal Payment in any way for prison construction funds.

3. Resolved, to support the recommendation of Mayor Marion Barry, and Fairfax County Executive Jack Herrity, that the Federal prison system should resume accepting D. C. prisoners in excess of the capacity of the D. C. prison system, and to request the U. S. Department of Justice to resume accepting D. C.'s excess prisoners.

4. Whereas, D. C. -owned facilities located in Maryland provide potential appropriate prison locations; and it is clearly unfair to send all of D. C.'s male prisoners to Virginia alone for incarceration:

   Now, therefore, be it resolved, that our Federation urge and request Mayor Marion Barry and all members of the D. C. Council to take steps to utilize D. C.-owned property and facilities in Maryland for incarceration of D. C. prisoners.

5. Whereas, the isolation of D. C.'s female prison population at the Federal facility at Alderson, W. Va. may work a hardship on the families of these female prisoners regarding visitation rights because of its distant location:

   Now, therefore, be it resolved that Mayor Marion Barry and the Council of the District of Columbia immediately act to have a feasibility study made of providing a penal facility for women prisoners of the District of Columbia in the metropolitan area outside of the District of Columbia;

   and that copies of all these resolutions be sent to Mayor Marion Barry, and all members of the Council of the District of Columbia, as well as the news media.

I chaired the meeting at which these resolutions were adopted, due to the fact that Federation president, Stephen A. Koczak was in New Jersey at the time.

These resolutions were presented by executive board member Dino Joseph Drudi, who is chairman of our Committee on Law and Legislation.

Sincerely,

J. George Fra

J. George Frain,
First Vice President, Federation of
Citizens Associations of the District of Columbia

STATEMENT OF FATHER HAROLD BRADLEY, S.J., SPECIAL ASSISTANT TO THE PRESIDENT OF GEORGETOWN UNIVERSITY

I am Father Harold Bradley, Special Assistant to the President of Georgetown University, and I want to thank you and the members of this Subcommittee for the opportunity to testify.

Since January of 1984, Georgetown University's D.C. Schools Project has maintained a pool of approximately 200 volunteers who help non-English speaking children enrolled in D.C. schools learn English and adjust to North American life. The volunteers work as tutors in several local schools, on Georgetown's campus on Saturdays, and in the homes of recently arrived families. Volunteers serve as friends and role models to immigrant children and as resource persons to the children's parents. Because of the project's rapid development and effectiveness, the D.C. public schools have recognized the project as an official program of the school system. The project has received $50,000 from the D.C. school system to supplement the Project's operation. We are seeking $50,000 to complete financial requirements for this year and $50,000 for FY 1987. We would like to submit for the record the attached Program Summary.

DC Schools Project
Program Summary

Since January of 1984, the DC Schools Project of the Center for Immigration Policy and Refugee Assistance at Georgetown University has developed a pool of approximately 200 volunteers who help non-English speaking students enrolled in D.C. schools to learn English and adjust to North American life. The volunteers work as tutors in several local public schools, on Georgetown's campus on Saturdays, and in the homes of recently arrived families. Volunteers serve as friends and role models to immigrant children and as resource persons to the children's parents. The project recently initiated an additional activity, the Peer Tutoring Program, in which students who have benefited from D.C. Schools Project tutoring are now tutoring non-English speaking students of elementary school age.

The Project was designed and continues to serve as an adjunct to the Division of Bilingual Education of the D.C. Public School System whose responsibility it is to test and place all non-English proficient students and to provide bilingual counselors, education specialists and other personnel to ensure the proper education of these students. Because of the project's rapid development and effectiveness, the D.C. public schools have recognized the project as an official program of the school system.

The DC Schools Project's initiation in January of 1984 was funded by the contribution of a private benefactor. Since that time, the Project has received $50,000 from the D.C. school system to supplement the Project's operation. At present, the Project is seeking the approximately $80,000 necessary for operation during FY 1987.

The principal goals of the DC Schools Project are the following: first, the volunteers provide the students with the individualized attention they are not afforded in their crowded classrooms. The one-to-one sessions give the students the opportunity to reinforce classroom materials in a more relaxed atmosphere, promoting both communicative and academic skills.

Second, volunteers serve as role models and friends to students. Through the constant encouragement and support of their tutors, the students, while gaining confidence in themselves and their abilities, become more aware of the importance of learning English and excelling in school in order to better their future educational and employment opportunities. We encourage our volunteers to develop relationships that extend beyond the tutoring setting and in this way assist in their personal as well as academic development. As expressed by a DC Schools Project volunteer, "The program's goals are to help the kids learn English but also to help them get used to a new culture. It basically lets them know that there are people out there who care...It's not just them against the world."

Third, volunteers act as a liaison between the families and the various human service agencies in the community. In this way the volunteers serve as a link between the recently arrived families and the larger society in which they now live.

While most of the volunteers are undergraduate students of Georgetown, many are alumni of the university. In turn, the alumni have attracted many young professionals in the D.C. area to participate. Additionally, some of our volunteers are students at senior high schools in the D.C. area.

The project actually consists of five programs that take place in five different settings. The In-School Program takes place twice a day, Monday through Friday in three area schools during normal school hours. The Saturday Morning Program takes place on the Georgetown University campus where approximately fifty junior high students are tutored in classrooms in the morning. After having lunch, tutors and their students participate in an art class, a sports activity, or a field trip to a museum or gallery in downtown D.C. The Gordon Center Program takes place at this adult education center located close to the university where volunteers act as teacher's assistants in the classroom or perform individual tutoring. The One-to-One Program takes place in the evenings in the homes of the students being tutored. Lastly, the Peer Tutoring Program takes place at a nearby elementary school.

In the Peer Tutoring Program, working under the supervision of the Program Coordinator, students who have benefited from the tutoring of the DC Schools Project and have completed their ESL program tutor elementary age peers in basic English language skills. Through pre-program training and one-on-one tutoring, the tutors as well as the students improve their English skills. Through this student-teaching-student experience the tutors establish themselves as role models and develop leadership skills, responsibility, and achieve a sense of accomplishment.

The project was initiated in January of 1984 in response to a series of media reports describing how the large influx of non-English speaking students into the public schools was overwhelming the District of Columbia public school system. The program was designed to be a supplement to the D.C. public school system's Division of Bilingual Education in coping with the problems.

To the best of our knowledge, there are no other programs like the DC Schools Project anywhere in the nation. The program is unique in the way it brings together a university and a public school system to attack a grave and ongoing problem for a special population of underprivileged immigrant students and for the schools in general who are strapped by their limited resources. However, it is a program that is duplicable on two important levels. First, the volunteer forces could be multiplied in size by initiating similar programs at other area colleges and universities that would also work with the D.C. school system. Second, the program can be duplicated in other similarly impacted areas across the nation, in both large cities and small towns.

STATEMENT OF ELAINE J. MITTLEMAN, ATTORNEY AT LAW

PARKING PROBLEMS IN THE DISTRICT OF COLUMBIA

I. There is a severe parking problem in the District of Columbia, and the D.C. government is not taking the steps to address or correct the problem.

There is simply not enough parking in the District of Columbia. This parking problem manifests itself in many ways. It act as a strong deterrent to shoppers and tourists. It drives businesses, federal agencies and entertainment facilities into the suburbs. It contributes to dangerous situations, particularly for pedestrians, school children, and fire and other emergency vehicles. It detracts immensely from the quality of life in the city, and gives citizens and visitors alike the feeling that the government doesn't care enough to welcome them to the city. Having your car booted can ruin your day - even the entire week. It can also present a safety hazard or interfere with business. Getting a boot removed is a very time-consuming enterprise, and must be done at once, with no notice or opportunity to plan or collect enough funds.

What are the responsibilities of the D.C. government for parking matters? According to D.C. Code § 1-319, the Council of the District of Columbia is authorized to make regulations about motor vehicles for the "protection of lives, limbs, health, comfort and quiet of all persons and the protection of all property within the District of Columbia." So what parking regulations have been enacted to protect people and property? How effective are these regulations? Have parking and safety improved because of the actions of the D.C. Council?

The regulations which come to mind are the booting and towing laws, and the unending increases in traffic and parking fines. These laws, especially the booting law, are revenue producers. There has been no showing how these increase public safety - indeed, booting can cause safety problems because a vehicle cannot be moved in an emergency. Does the D.C. government have a plan or goal as to what would be the appropriate number and location of parking places? If so, what is it doing to implement that goal? Does it alter parking objectives with changes in environment, such as office construction, Pennsylvania Avenue Development, and the use of Metro? Indeed, there are indications that the D.C. government believes everyone should take the Metro - yet, that is simply not viable. Even the Congress is severely affected by the parking problem, which to a large degree is under the control of the D.C. government, and not Congress.

The actions of the D.C. government indicate a lack of interest in addressing the parking problem or improving safety. The government is not authorized to build parking garages downtown. It passed a neighborhood municipal off-street parking law in 1980, but has not implemented it or spent any money on it. What did it do instead? It implemented booting, yet there is absolutely no indication that booting helps the parking problem. The number of cars booted annually has remained about constant, and the number of cars on the booting list has increased. Thus, booting is not a very effective deterrent to drivers looking for a parking place. This is because there are simply not enough parking places. Drivers typically get parking tickets because they are forced to park illegally because of the scarcity of legal parking places. They play a very unpleasant game of roulette or "Beat the Boot." If "scofflaws" were deterred by the boot, it would seem that the number of cars booted would have decreased significantly. It certainly cannot be that the punishment is not onerous enough.

Finally, the D.C. government cannot support booting as the best way to collect parking revenues. Senator Inouye, when introducing the booting bill, noted that a reciprocal agreement with Virginia and Maryland, which would deny vehicle registration to scofflaws, would be helpful and save police time. See Cong. Rec. S21,985-21,986(daily ed. June 24, 1971)(remarks of Sen. Inouye). Mayor Washington stated that the reciprocal agreement would be the most effective way to collect fines. Senator Inouye said the Council had the authority to make this agreement and was actively pursuing it. That was in 1971. It seems that the D.C. government has neglected the most effective way to collect fines and enthusiastically enforced the most painful and profitable way. There is little evidence that the D.C. government has regulated parking to improve safety and the quality of life.

II. Parking and booting laws are revenue laws - taxes. A quick and easy way to bring in a few million more dollars is to raise the fines. The D.C. government does not justify the increased rates as improving or promoting public safety.

The parking and booting fines are reliable revenue-producers. Just raise the rates and watch the millions come in. It is obvious that this is how the D.C. government thinks, because it typically reports that an increase of $10 will bring in $5 million more (as an example). It never explains that a $10 increase will increase safety by 10% or create 100 more parking spaces. The D.C. government never seems to make the connection between raising rates and safety - they are clearly unrelated, in spite of what the laws may say. In fact, the fewer number of parking spaces, the greater number of parking tickets will be written and the more fines will be charged. Thus, when relying on parking fines for revenue, the D.C. government would want to decrease legal parking spaces and increase the probability of getting a ticket. This boosts revenue and endangers safety. Yet, this is the strategy the D.C. government is following.

The emphasis on revenue is shown in many ways. Senator Inouye introduced the booting bill because of his "concern over revenues lost." A recently-proposed bill would increase the booting fee from $25 to $50 to cover the operating costs of the booting program. But the booting program was not meant to "break even." It should contribute in some way to public safety, and that is not necessarily without cost. In addition, in fiscal year 1983, the cars which were booted had parking fines outstanding of $3,275,000. Collecting those fines would allow the booting program to do a lot better (by revenue standards) than break even. A substantial part of the $30 million in total parking revenues collected in 1985 went into the general fund and Metro. These fines are a painless way to fund Metro, while keeping the citizens unaware of this source of money.

The seeming lack of concern for cost control and adequate accounting also shows that these fines are treated as a revenue source. A D.C. government official stated that the booting program cost about $860,000 in fiscal 1983 (while testifying recently about the proposed increase in the booting fee), but the report prepared for fiscal year 1983 showed a cost of $600,000. The cost for 1986 is estimated at $932,000. Why the huge increase, if no new people were hired and about the same number of cars were booted? It is very easy to ask for a simple doubling of the booting fee. It is very difficult to show how that fee increase would improve public safety or parking.

The revenues from parking and booting should be plowed back into the parking problem. The D.C. government should implement the 1980 off-street parking act, D.C. Law 3-108, by funding parking. It should build new garages downtown, or provide some more encouragement to private developers. It should implement the reciprocal registration agreements with Virginia and Maryland.

III. The booting statute has serious constitutional flaws.

The booting statute is vulnerable to a constitutional challenge. Indeed, according to the Congressional Record cited above, District officials were not certain about the legality of the bill when it was enacted. One difficulty is that it permits booting of cars which are parked legally. Many booting laws in other jurisdictions allow booting only for illegally parked cars. The Seventh Circuit explained, in Sutton v. City of Milwaukee, 672 F.2d 644 (7th Cir. 1982) at 648, that:

> (t)he Milwaukee police do not seize a person's legally parked car in order to make him pay off his prior unpaid parking tickets ... they tow only illegally parked cars. Perhaps if their only motive in towing such cars were to increase the city's revenues from parking tickets - if they had no interest at all in preventing or rectifying illegal parking - ... we would have to decide whether towing is a constitutionally permissible device for collecting a pure revenue tax disguised as a fine for illegal parking.

The booting statute is a taking of property without proper notice. If a person is booted incorrectly, there is nothing to pay back the time and inconvenience. The statute is arbitrary and over-reaching. It permits booting when there are two unpaid parking tickets - other jurisdictions may allow as many as ten unpaid tickets. Further, although the statute provides for booting after two tickets, the present practice is to boot after four tickets. This apparently was an arbitrary administratively-selected cutoff, and could be changed with no notice to drivers.

Finally, the booting statute serves as a form of commuter tax. Of the cars booted in fiscal year 1985, thirty-seven percent (37%) were registered in Maryland and twenty-six percent (26%) were registered in Virginia. D.C. cars were only eighteen percent (18%) of those booted. This may be explained by the registration requirement in the District of Columbia, and the lack of one in Virginia and Maryland. There are several constitutional arguments why Virginia and Maryland residents should receive the same notice that D.C. residents do, especially since D.C. officials stated in 1971 that that would be an effective enforcement method. The D.C. government apparently provides notice to some fleets and leasing businesses, such as Hertz, so their cars will not be booted. If businesses are given notice of impending booting, then individual drivers should as well. These constitutional issues are more troubling, given the utter lack of showing that the booting program has improved the parking problem, yet has added millions to revenue.

BOOTING PROGRAM*

FISCAL YEAR 1984

Total Cars Booted: 20,260 - (100%)

Totals/State Registration:

Maryland	7,155 - (35%)
D.C.	3,267 - (16%)
Virginia	5,346 - (26%)
All Other States	4,492 - (22%)

FISCAL YEAR 1985

Total Cars Booted: 20,795 - (100%)

Totals/State Registration:

Maryland	7,729 - (37%)
D.C.	3,755 - (18%)
Virginia	5,370 - (26%)
All Other States	3,941 - (19%)

FISCAL YEAR 1986 (1st Quarter)

Total Cars Booted: 5,091 - (100%)

Totals/State Registration:

Maryland	1,805 - (35%)
D.C.	959 - (19%)
Virginia	1,382 - (27%)
All Other States	945 - (19%)

BOOTING & TOWING PROGRAM*

FISCAL YEAR 1985

Total Cars Booted & Towed: 4,428

FISCAL YEAR 1986 (1st Quarter)

Total Cars Booted & Towed: 1,336

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* Statistics furnished by Lafayette Rose, Staff Assistant, Transportation Systems Administration.

LETTER FROM SUSAN COLBERT

Ms. F. Alexis Roberson, Director
D.C. Department of Recreation
3149 16th St. N.W.
Washington, D.C. 20010

June 12, 1986

Dear Ms. Roberson:

Last month, as I was talking with another mother during one of my daily visits to Kalorama Park, I was told that the city was planning to make certain impoovements in the parks in Adams Morgan. I investigated this further, and the more I learned, the more surprised I was at how differently the needs of the neighborhood are perceived by the residents and the city administrators. Therefore, I am writing to share with you not only my personal opinion about some optimal uses of Kalorama Park, but also many of the comments and questions I received while talking to other frequent users of its facilities for young children.

Enclosed are petitions with the signatures of over 175 residents, all of whom support a clean, safe playground with improved equipment and facilities in Kalorama Park. Please note that these petitions were signed by a good cross section of the areas population. Support for this project interests Black, Hispanic, and White people alike, and these petitions were circulated in both English and in Spanish. Upper-income and lower income people seem to agree on this issue, and both older and younger residents expressed their strong support as well. In fact, almost everyone I talked to recognized the need for such a project.

After attending the May 15 Town Meeting on park and recreational facilities in Adams Morgan, and one of the ANC 1C meetings that proceeded it, I saw that some of the original proposals had been modified. I am pleased that the funds will not be used to expand the fieldhouse, and that the tot lot will be well maintained, and not reduced in size. However, I and many other parents and residents are still concerned that the tot lot and the adjacent facility for slightly older children will not be improved, but that the money will instead be spent on facilities in Community Park West. There are several compelling reasons why the neighborhood would benefit from improved facilities for young children. First, the present tot lot provides only three activities: a sandbox, swings, and a slide. Rarely are all three available at any one time; the sun often heats the slide so that it is unusable, the swings may all be occuied. But mainly, these three items simply are not enough for some toddlers. I know three active, playful toddlers (under age 3) who actually become bored of the park after ten or fifteen minutes there. Their mothers say that they enjoy playgrounds with more extensive facilities; not miniature amusement parks, but those with afew colorful, modern pieces of equipment such as those available in several other public parks in the District. It would make a big difference to the children of the neighborhood, to the parents, and to the community as a whole. In many of the neighboring suburbs, parents send their children to expensive gym classes and activity groups, meet with other parents in discussion groups organized by public and private interests, but here our playground has the potential of providing it all. On the benches, parents such as myself discuss everything ranging from health and speech problems to differences in childrens personalities. Our children enjoy physical activity and have their first opportunities to meet other children their own age. Friendships between parents and between children begin to develop, year-round playgroups form, and racial and ethnic differences seem to have minimal importance. Before I began to go to to the park, most of the people I knew lived outside Adams Morgan; now the reverse is true. Increasing the number of networks such as these makes the community stronger, safer, and more stable.

In sum, I hope you will consider the needs and wishes of the children and parents of the Adams Morgan community. as expressed in this letter and the enclosed petitions. It will take only a small portion of the allotted funds to make Kalorama Park a very attractive park for young children. Two fenced-in lots, one for toddlers, one for young school-age children, each with five or six pieces of modern, durable and easily maintained equipment would provide fun and exercise for hundreds of area children for years to come.

If you would like to discuss these proposals or if you would like more specific suggestions from park users, I hope you or a staff member will contact me. I would be very interested in your response to these ideas. Thank you for your time and involvement in the May 15 town meeting, and for soliciting the somments of Adams Morgan residents on this matter.

Yours truly,

Susan D. Colbert

SAVE KALORAMA PLAYGROUND

ARE YOU CONCERNED ABOUT KALORAMA PLAYGROUND?

DID YOU KNOW THAT THE CITY HAS PLANS TO ENLARGE THE FIELDHOUSE NEXT TO THE PLAYGROUND INTO A COMMUNITY CENTER?

WHAT WILL HAPPEN TO THE PLAYGROUND?

WOULD YOU LIKE TO HAVE A CLEAN, SAFE PLAYGROUND WITH IMPROVED EQUIPMENT AND FACILITIES?

We the undersigned, concerned parents and other residents of Adams-Morgan, are vitally interested in the preservation and improvement of the playground at Kalorama Park. The Kalorama Playground is a valuable resource that is used regularly by the families of Adams-Morgan, and we believe that the City's efforts and monies should be concentrated on improving the facilities of the playground for the benefit of all the children of Adams-Morgan.

NAME	ADDRESS
[illegible]	1884 Columbia Rd #216 N.W. 20009
Gloria Vargas	1930 Columbia Rd. N.W #208 (20009)
[illegible]	1954 Biltmore NW WDC
Charlotte Brown	2450 [illegible] St NW
[illegible] Morris	1876 Columbia Rd #4 20009
C. K. Cockrell	1831 Belmont Rd. NW #303
Elizabeth Bruce	1760½ Willard St., NW, WDC 20009
Maria Colón	1840 Kalorama Rd. NW WDC 20009
Catherine Klein	2853 Ontario Rd NW 20009
Daphne E. Gerig	1851 Columbia Rd NW 20009
Patricia H. Russell	1852 Columbia Rd NW 20009
Robert Hicks	2101 [illegible] 20009
Denise Wilson	1815 Ingleside Terr 20010
Don Johnson	1789 Lancer Pl. N.W. #3
~~[illegible]~~ Smith & Harewood	1908 Florida Ave NW #305
[illegible] Smith	2003-13th NW, Wash. DC
Marion [illegible]	1884 Columbia Rd. NW.
J.A. Kuhn	1814 Calvert #4
ABDELKADIR MOHAMED	1930 Columbia Road N.W. #516
[illegible] Potter	1858 California St NW #20
[illegible]	1875 Mintwood pl.
O. Blanchette	3636 16th St. N.W.

G Smith (Smith)	1717 Harvard St NW
CHRISTIAN OPARA	1460 EUCLID ST APT 8 N.W DC 20009.
AMADOU Elias Jones	2450-16th Str. NW
Vicki Williams	2299 17th St NW
John O'Leary	1717 Euclid St. NW
Helen Raum	1832 BILTMORE ST N.W
Nelson Diaz	2469 18th St N.W.
Joann Shepherd	2441 18th St NW.
Jane [illegible]	1801 Clydesdale Pl. NW
Cecilia I. Delve	1719 Lanier Pl. NW
K Johnson.	1741 Lanier Pl. NW
Owen Chandler	1828 Ontario Pl. N.W
Lewis Knight	2606 Mozart Place N.W.
Paul Dick	1747 Lanier Pl NW
E Simpson	1744 Lanier Pl. NW
Ed Baskerville	1855 Calvert St. NW, #101
	James E. Jenkins 2501-17th ST. NW #2
FRANK = Bomm	2630 Adams Mill Rd N.W.
Sandra C. Williams	2627 Adams Mill Rd. NW.
Brent R Hartley	1776 Lanier Pl NW #5C
Joseph R Michael	1801 Clydesdale Pl. N.W. #421
[illegible]	1803 Biltmore St. NW. #314
[illegible]	3420 16th St. N.W.
[illegible]	1741 Lanier Place NW
Darcy Richards	1832 Biltmore St. NW
[illegible]	1803 BILTMORE ST. NW 512
JEANNIE H CARTER	1815 BILTMORE ST. N.W.
Daniel Center	1831 Belmont Rd NW #103
Diane B Burke	1778 Lanier Pl NW #8C
[illegible]	1778 Lanier Place #11C
Lillie EVANS	2801 15th ST. NW,
CAROLL Schma	3158 18th St. NW.
[illegible]	2407 18th St N.W.
Terry Bryant	1332 Harvard NW
JANE KEEN	1801 CLYDESDALE PL. NW #319
[illegible]	1818 New Hampshire Ave #807
PAUL TSCHUDI	1750 HARVARD ST. N.W.
DAVID STONE	1669 Columbia Road NW
Alice Kuch.	1615 Kenyon St, Apt 26, NW

J. Torres	2200 19TH ST NW APT 807
D. Kuffer	1875 Mintwood Pl NW #33
Gail Hopkins	2424 Ontario Rd NW
TAQUICNA BOSTON	2480 16th St, NW B019
Catalina Gonzalez	1760 Euclid St NW #212 Wash DC
[illegible]	2339 2nd St NW 20008
Isabel Mendez	1475 Euclid ST NW 20009
[illegible]	Calvert 1842
[illegible]	1822 Calvert St 20009
Carlos Trejo	2633 ADAMS Mill Rd NW #21
Renée Acuña	1458 Columbia Rd. Apt. No 10
Elda Pineda	2627 adams mill RD NW #107
[illegible]	1423 14 Meridian St NW 20009
Danilo Fernandez	2633 Adam's Mill RD NW #1 20009
Maria E Valdes	1740 Euclid St NW DC
Nan McCoy	1960 Biltmore
Robt Strauss	1831 Belmont.
Kirk Peoples	3201 Walbridge Pl. NW
F. Seifert	1884 Col. Rd. N.W.
Andrew Harkey	1884 Col. Rd NW
[illegible]	1941 Calvert St. NW
MAKNASSI Med	1930 Columbia Road
Bob Hodgson	1835 California St NW.
Wilhelmine Miller	1851 Calif. St NW
Paul Atkins	1833 Calif. St. N.W.
Jeannette Kandel	1915 Kalorama Rd N.W
Leo C Moenen	1801 Calvert NW
Ruby Warston	2320 20th St N.W.
Werner Mandel	1753 Euclid St NW Washington DC 20009
Ann Preusfeld	1975 Biltmore St NW DC 20009
D K GRANT	2257 14th St NW WASH DC 20009
Henry Schweitfeld	1642 Argonne Pl NW DC 20009
[illegible] Nichol	1789 Lanier Pl NW #2 DC 20009
Wm Schwarz	2328 19th St. NW DC 20009
Sandy Bean	1830 S St, N.W. D.C. 20009
Emilie Erickson	1889 Mintwood Pl NW DC 20009
[illegible]	1829 Mintwood Pl NW DC 20009
[illegible]	1789 Lanier Pl NW DC 20009
Bjorn Fielding	1789 Lanier Pl., NW DC 20009

[illegible]	1830 California St NW #6
[illegible]	1849 [illegible] St. NW #23
[illegible]	1779 [illegible] NW #12
[illegible]	[illegible] N.W.
[illegible]	1849 [illegible]
[illegible] Marschak	1789 Lanier Pl NW
[illegible]	1789 Lanier Pl NW
Paul E. Gleason	1789 Lanier Pl, N.W. #33
Michael Schwartz	1789 Lanier Pl. NW #42, D.C. 20009
(John Vetter)	1789 Lanier Pl. NW #42
[illegible]	1789 Lanier Pl NW #21
Linda Harke	1789 Lanier Pl. NW 20009
Mimi Mager	1939 Calvert St N.W.
Allegra Joffe	1789 Lanier Place DC
George Frain	1789 Lanier Place, N.W. D.C.
[illegible]	1789 Lanier Pl. NW DC
[illegible]	1789 Lanier Pl N.W. [illegible]
[illegible]	1789 Lanier Pl, N.W. DC 20009
[illegible] Castro	1789 Lanier #4 DC 20009
Ethel Scott	1882 Mintwood Pl. NW. DC. 20009
[illegible]	1650 Harvard St NW #529
[illegible]	1650 Harvard [illegible]
[illegible]	[illegible]
Robert [illegible]	1862 [illegible] Place NW 20009
[illegible]	2166 16th St NW #2
[illegible]	2436 16th St NW #1
FRANK PRUSS	1731 [illegible] NW WASH DC 20009
Jose Ramirez	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
D N THOMAS	[illegible] SUMMIT PL NW [illegible] 667-5282
[illegible]	[illegible] Columbia Rd NW
[illegible]	[illegible] Ct
[illegible]	1630 Harvard ST N.W.
[illegible]	[illegible]
Donald Hill	[illegible] Mintwood PL NW DC.
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	1726 Lanier Pl NW

Daisy Mancilla	1789 Lanier pl. N.W. wash. D.C 20009
Pablo Aponte	1848 Columbia Rd NW Washington DC.
Carlos Torres	3364 Columbia Rd. Wash. D.C.
Adelina Cuadra	1930 Columbia Rd.
Faustina Turcios	1316 U ST Apt # 9
[illegible] Roman	[illegible] Summit Pl # 2 NW DC
Maria L Munguia	2518 17 ST NW #406
Nathalia Gonzalez	Euclid st apt 202
Maria [illegible]	Euclid St apt 112
Carlos Garcia	2176 Conn. Ave # [illegible]
Armando Escobar	2279 Channing St. NW DC
Oscar Gonzalez	Irving St 1436
Eva Hellebuyck	1787 Lanier Pl NW. 20009
L. Nwoko	1629 Columbia Rd NW #110 Wash. D.C.
A Green	2486 16 ST N W Wash DC
Linda Hawthorne	1702 Summit Pl NW
David Smith	1841 [illegible]
Socorro Ortega	1601 Argonne Pl. N.W.
Pamela Wilson	1956 Biltmore St, N.W.
Teresa Washington	1617 16st NW
Vincent P White	2633 Adams Mill Rd NW Apt A33
S Louise N. Roby	1783 LANIER NW
Benita Overton	2707 Adams Mill Rd., N.W.
Margaret Bressette	2853 Ontario Rd NW
Catherine Ali	1833 Summit Pl, NW
Barbara Muhlhausen	1859 Mintwood Pl NW
Conchita Uddin	1669 Col. Rd # 211 Wash DC.
[illegible]	1450 Fairmont St. N.W. #A 20009
Steve Coleman	1732 Euclid St. NW 20009
Dr. Robert A Moreland	1672-B Euclid St N.W 20009
DOLORES TORRES	2920 ONTARIO RD NW #200 20009
Peter Rogoff	1842 Kalorama Rd NW
[illegible]	2853 Ontario Rd NW #418, 20009
John H Martin	1868 Columbia Rd. N.W DC 20009
Benjamin Franklin	1745 Kal. Rd. N W 20009
[illegible]	1610 PARK ROAD APT. 521 N.W. WASH DC 20010
[illegible]	[illegible]
William Campbell	1909 19th St NW Wash, DC 20009
Wilm [illegible]	2901 18th St NW Wash DC 20009

[illegible]	1720 Lanier Pl N.W
[illegible]	1630 [illegible]
[illegible]	2627 [illegible] Mill [illegible]
[illegible]	1845 [illegible] N.W.
[illegible]	1746 [illegible] Place
[illegible]	2800 ONTARIO RD
[illegible]	[illegible]
[illegible]	1915 Kalorama Rd NW [illegible]
[illegible] Robinson	1822 Kalorama Rd [illegible]
[illegible]	1650 [illegible]
[illegible]	1816 [illegible]
[illegible]	JBAN KHARBANG
[illegible]	[illegible]
Gloria Rivera	
[illegible]	1754 Lanier Pl. NW #203 Wash. DC 20009
Jose R [illegible]	1778 Lanier Pl NW #A7 Wash. DC 20009
[illegible]	1000 6th SW DC 20024
Manuel A. [illegible]	1824 Columbia Rd N.W
[illegible]	2515 17th St [illegible]
Carolina [illegible]	1803 Biltmore St NW
Josefina Brito	2400 16th St.
Julia [illegible]	Mass Ave.
Emilio Suárez	2101 16th St NW
Luciano [illegible]	2831 28th St Wash. DC
Adela Diaz Reyes	1807 Biltmore St. NW #1 Wash. DC
Eduardo Garcia	2503 Champlain Rd NW 20009

STATEMENT OF IRVING SCHLAIFER, PRESIDENT, WASHINGTON, DC TAXICAB ASSOCIATION

Mr. Chairman and Members of this Committee, my name is Irving Schlaifer. I am President of the Washington DC Taxicab Association. I live at 1344 Kennedy St., N. W., Washington, D. C. I am speaking in behalf of cab drivers and cab passengers.

I am from Omaha, Nebraska. I came to Washington, D. C., in 1937, after graduating from high school. I started driving a cab in D. C. in 1945. I lived for one year, 1946-1947, in Los Angeles, California. While there, I drove a time and mileage taximeter cab for six (6) months for the Yellow Cab Company. The Yellow Cab Company had an exclusive franchise or monopoly in Los Angeles. I had an excellent opportunity to compare our totally two different methods of operating taxicabs in Washington, D. C. and Los Angeles. In D. C. we have no limitation of taxicabs and the flat-rate zone system with which to compute taxi fares. In Los Angeles they had limitation of taxicabs and time and mileage taximeters with which to compute taxi fares. I came to the conclusion that in D. C. we had a far superior method of operating taxicabs, than in Los Angeles. All that we had to do in D. C. was to make the needed changes to make it even better.

We are in the age of doing our best to provide consumer protection. Taximeters do nc not provide consumer protection in any way, shape or form. Taximeters can be very easily tampered with to make them run faster and thereby overcharge their passengers. In 1967, in Los Angeles, the Yellow Cab Company was found guilty of having taximeters in their cabs running 20-25% faster than the official rates set by the city. The flat-rate zone system represents maximum consumer protection at its best because the cab passengers can very easily learn to know the exact price of their trip before they even get into a cab.

Taximeters and corruption go hand-in-hand. Taximeters will corrupt everything it touches. Taximeters will corrupt far too many politicians, public officials and every cab driver. Taximeters will cause more problems than it will solve. Taximeters represents consumer protection at its worse. The flat-rate zone system represents consumer protection at its best.

The taximeter is a fraudulent device. The taximeter is the legal right to steal. The taximeter is a 'one-armed bandit', once the cab driver pulls the lever, the 'house' always wins. With taximeters, be it 'mileage' only, or, 'time and mileage' identical trips do not always have identical rates. With taximeters, it is always a guessing game as to what the final fare will be. Taximeters makes it impossible to have flat-rate shared riding. Taximeters were never meant to protect the cab riding public. The gimmick of the taximeters is to make carelessness profitable, whether it be intentional or not. The overwhelming majority of cab drivers, cab companies and cab passengers in D. C. do not like and do not want the mandatory use of taximeters. There is a place for the taximeters, and that is, at the bottom of the nearest river, lake or ocean.

Taximeters will never make the dishonest cab drivers honest. These dishonest cab drivers will use the taximeters like a loaded, smoking gun, robbing their cab passengers at will and with almost complete immunity from ever being caught doing so. If you were to be stopped on the street and robbed at gunpoint, that robber when caught, would be sent to jail for several years. We now have some cab drivers that use their cabs as if it were a gun to rob their cab passengers. With taximeters we would a tremendous increase in the number of cab drivers that would use their cabs as guns with which they could use to rob their cab passengers. Do these cab drivers ever get sent to jail when they are caught? Never! The Washington Metropolitan Area Transit Commission (WMATC), which sets and polices interstate taxi rates, just tells the cab drivers to give back the money they stole from their cab passengers and don't do it again. The WMATC does very little or nothing to have their license to drive a cab revoked.

The mandatory use of taximeters in D. C. will cause the loss of millions of cab passengers. We now have approximately 8,700 taxicabs and approximately 12,000 licensed cab drivers in D. C. With taximeters we can expect 75% of them to be put out of business. We do not want to see thousands of jobs destroyed because of the mandatory use of taximeters. Congress can stop this from ever happening by keeping the mandatory ban on taximeters in the D. C. Appropriations Act.

The Washington Post news item, dated, Wednesday, July 16, 1986, Page B-1, has the caption, 'Panel Supports End to Ban on Metered Taxis'. Its first paragraph reads as follows: 'The House Appropriations Committee agreed yesterday to lift a longstanding ban on metered taxicabs in the District and directed a new city taxicab commission to study a switch from the current zone system to meters.'

In view of the news item, we urgently request that your Committee do everything in its power to modify what the D. C. House Appropriations Committee has done in removing the ban on taximeters. First of all, we trust that we have convinced your Committee of what is true about the taximeters.

The D. C. Mayor and the D. C. City Councilmembers want to do what is best for their constituents. They maintain that the question of whether or not taximeters should be used, is a home-rule issue.

There is always a turnover in the D. C. Mayor and D. C. City Councilmembers. The taximeter manufacturers will make millions of dollars if taximeters are made mandatory. They and the selfishly motivated taxi operators will willingly wreck our D. C. taxicab industry, so that they can make money at the expense of those cab drivers that will lose their jobs and their livelihood. We do not want our cab drivers to wind up on the welfare rolls.

The taximeter manufacturers and the D. C. taxi operators that want taximeters--- will wine, dine and contribute to the campaign funds of the 'right' elected officials. For the unethical, this would be a small 'amount' to pay to get what they want. Out and out bribery and gifts cannot be ruled out.

The U. S. Congress is the senior partner and D. C. is the junior partner. We want the U. S. Congress to change the wording in the D. C. Appropriations Act to read as follows: 'That there shall be an optional choice for the cab companies and the cab drivers to select and use the flat-rate uniform zone system or the taximeter.'

I have included in my exhibits my statement to the Honorable Julian C. Dixon, Chairman, House D. C. Appropriations Committee, dated, Wednesday, June 11, 1986.

This concludes my statement. I want to thank this Committee for the opportunity it gave me to have my statement and exhibits to be included in the printed record of this hearing. I will be glad to make myself available to answer any questions you may care to ask of me.

STATEMENT OF IRVING SCHLAIFER, PRESIDENT, WASHINGTON, DC TAXICAB ASSOCIATION, PRESENTED TO HON. JULIAN C. DIXON, CHAIRMAN, HOUSE SUBCOMMITTEE ON DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. Chairman and Members of this Committee, my name is Irving Schlaifer. I am President of the Washington DC Taxicab Association. I live at 1344 Kennedy St., N. W., Washington, D. C. I am speaking in behalf of cab drivers and cab passengers. I have been a witness before this Committee many times in the past.

In June 1973, the U. S. Congress ordered that a study be made of the D. C. taxicab industry. This study cost $15,500. The D. C. Public Service Commission (PSC) selected two University of Maryland professors, Charles E. Olson, Ph. D. and Philip G. Kuehl, Ph. D., to make this study. It was completed in 1974. They recommended the Mileage Rate Zone System, having zone areas of equal size, as a suitable replacement for the hodgepodge, jigsaw puzzle taxi zone system now in use for over 50 years, having zone areas of unequal size. The PSC did absolutely nothing to adopt this recommendation.

In August 1975, a D. C. Taxicab Study prepared by Dr. Anthony M. Yezer, Assistant Professor of Economics, the George Washington University of Washington, D. C., in Formal Case No. 577, a taxicab rate hearing before the PSC, had this to say on Page 35 of this study, as follows:

> Recommended Changes in Taxicab Regulation:
>
> 1. The present zone system should be replaced by a system based on time and distance charges as the basic fare determinants. It is possible to impliment time and distant charges in a number of ways. Meters are most common, but a combination of odometer readings and clock time, or, point-to-point distance read from a map and clock time could also be used.
>
> Please note: The recommended point-to-point distance read from a map is in reality the Mileage Rate Zone System.

Again, the PSC did absolutely nothing to adopt that part of Dr. Yezer's recommendation that the Mileage Rate Zone System be adopted.

The PSC Formal Case No. 719, to determine whether the existing taxicab zone map system is fair, just and non-discrimatory, got started August 10, 1979. Over four years later, January 24, 1984, the PSC Order No. 7934, 'Proposed Opinion and Order', Formal Case No. 719, declared virtually every proposal and recommendation to make a better taxi zone map system unacceptable and that more studies would be necessary and needed.

By March of 1987, a new District of Columbia Taxicab Commission composed of eight (8) members from the public, four (4) members from the D. C. taxicab industry and one (1) member from the D. C. city government will take over the duties of regulating the D. C. taxicab industry from the PSC. Because of this, the PSC has decided that nothing further will be done by them in the seven (7) year old Formal Case No. 719. The PSC has decided that the new Taxicab Commission can decide for itself how best to regulate the taxicab industry.

We urge the Members of this Committee to do what is necessary to bring the Appropriations Act up-to-date by replacing the wording in the Act, 'System of Uniform Zones', with the wording, 'Mileage Rate Zone System'.

We are here to ask that the ban on taximeters continue to remain in the D. C. Appropriations Act. We are very well aware of the fact that only a very few Members of Congress, very few D. C. city officials, very few D. C. cab company owners, very few D. C. cab drivers, very few cab passengers and virtually every taximeter manufacturer, have tried again and again, over the years, every trick in the book to have the flat-rate taxi zone system, used in D. C., abolished, and, in its place, have taximeters made mandatory. They would have you believe, that having taximeters will solve all of our problems. The truth is, taximeters will create more problems than it will solve.

Buying, selling and repairing, new and used taximeters in D. C., will create not less than a $40,000,000 market for the taximeter manufacturers. For them to set aside 10% of this amount, to wine, dine and contribute to the campaign funds of the 'right' elected officials, would be, but a small 'amount' to pay, to get what they want. This would also include non-elected officials.

We have heard and have read about far too many elected and non-elected officials getting expensive gifts and bribes from companies doing business with the government. For the unethical and greedy taximeter manufacturers, it is well worth the 'price' of doing 'business' with the elected and non-elected officials, when they can see themselves making millions of dollars in profits when taximeters are 'officially' made mandatory in D. C. taxicabs. The fact is, the overwhelming majority of cab passengers and cab drivers in D. C. want the continued use of flat-rate zone system and do not want taximeters.

The taximeter is a fraudulent device. The taximeter is the legal right to steal. The taximeter is a 'one-armed bandit', once the cab driver pulls the lever the 'house' always wins. With taximeters, identical trips do not always have identical rates. With taximeters, it is always a guessing game as to what the final fare will be. Taximeters were never meant to protect the cab riding public. The gimmick of taximeters is to make carelessness profitable, whether it be intentional or not. The overwhelming majority of cab drivers, cab companies and cab passengers in D. C. do not like and do not want the mandatory use of taximeters.

The mandatory use of taximeters in D. C. will cause the loss of millions of cab passengers. We now have approximately 10,000 taxicabs and approximately 12,000 licensed cab drivers. With taximeters we can expect 75% of the D. C. cab drivers and 75% of the D. C. cab companies to be put out of work and out of business. With taximeters, we will see the loss of 9,000 licensed cab drivers and the loss of 7,500 taxicabs. We do not want to see thousands of jobs destroyed because of the mandatory use of taximeters. We do not want to see most of our small cab companies and associations destroyed because of the mandatory use of taximeters. This Committee can stop these terrible things from ever happening by keeping the mandatory ban on taximeters in the D. C. Appropriations Act.

The flat-rate zone system is far superior to any taximeter system. Identical trips always have identical rates. With the flat-rate zone system, the cab fare can always be accurately determined in advance before the trip is even started. This represents consumer protection at its best.

The taxi zone system, now in use, always have zone areas of unequal size, wherein, you make an exorbitant profit on one trip, only to have it wiped out on the next trip. The PSC has always deliberately stopped every effort, made in the past, by the taxicab industry to correct this problem.

The flat-rate taxi zone system, now in use for over 50 years, is obsolete. It must be replaced with a brand new flat-rate zone system, the Mileage Rate Zone System. The Mileage Rate Zone System corrects all of the inequities built into the taxi zone system now in use. The Mileage Rate Zone system will decrease the rates where needed, increase the rates where needed and leave the rates unchanged where needed. With the Mileage Rate Zone System, it is estimated that 60% of the cab-riding public will pay no increase in rates.

The Mileage Rate Zone System is a floating zone system. It is a straight line, point-to-point mileage measurement, as with airline mileage distance. It is the only system that allows the cab passengers to have a tailor-made taxi zone map for their own personal use. It is the only system that makes it possible to have the actual zone rates printed in each zone. It is the only zone map that requires the use of a detailed D. C. street map. This will make it easier for all cab passengers to actually see the streets on the map where they got in and got out of their cabs. It will make it easier for all cab passengers to state the price of their ride when giving their destination to their cab drivers. This will automatically put the cab drivers on notice that their cab passengers have done their 'homework'. The more often that the cab passengers do their 'homework' and tell the cab drivers the price of their ride when giving their destination, the more often they will have fewer and fewer unpleasant disagreements with them. Simply stated, knowing and telling their cab drivers the price of their rides, stops the problems before they start.

The Mileage Rate Zone System is a well established zone fare system. It has been used for years to compute parcel post rates, airline rates, trucking rates and telephone rates. This Committee should do what the PSC has deliberately refused to do, that is, scrap this obsolete taxi zone system now in use for over 50 years. Cab drivers have criticized this obsolete taxi zone system for years. The cab drivers want it replaced with a superior zone system as soon as possible. This Committee can and should replace it with the Mileage Rate Zone System. The Mileage Rate Zone System can be put into complete operation in less than six (6) months.

LETTER FROM IRVING SCHLAIFER

Monday, June 30, 1986

Dear Editor:

The Washington Post's editorial, dated, Saturday, June 28, 1986, Page A-22, with the caption, 'Meters, Cheaters and Fare Games', supporting the removal of the 53 year old congressional ban on the use of taximeters in D. C. cabs will not be in the best interest of everyone concerned. This congressional ban on taximeters in the D. C. Appropriations Act should not be removed.

It was good old-fashioned competition between the flat-rate zone system cab operators and the taximeter cab operators that gradually put the taximeter cab operators out-of-business. In desparation, the taximeter cab operators convinced the D. C. Public Service Commission (PSC), in the early 30's, to have the flat-rate zone system abolished and have taximeters made mandatory.

In order to save their jobs, during the depression of the early 30's, the flat-rate zone system cab operators convinced Representative Clarence Canon to introduce the 1933 congressional ban that very effectively prevented the PSC from ever ordering the mandatory use of taximeters in D. C. cabs. The late Representative Clarence Canon should have been praised and should have gotten a gold medal for what he did in 1933.

The large downtown zone that is approximately 2 miles by 2 miles, was created by the different zone cab companies competing with each other and competing with the cab companies operating with taximeters. The Congress has always been blamed for it. The PSC should get the entire blame for it. We, in the taxicab industry and the cab passengers have asked the PSC, time after time to make this zone smaller. The PSC has deliberately refused to do so.

Taximeters and corruption go hand-in-hand. Taximeters will corrupt everything it touches. Taximeters will corrupt far too many politicians, public officials and every cab driver. Taximeters will cause more problems than it will solve. Taximeters represents consumer protection at its worse. The flat-rate zone system represents consumer protection at its best.

The taximeter is a fraudulent device. The taximeter is the legal right to steal. The taximeter is a 'one-armed bandit', once the cab driver pulls the lever, the 'house' always wins. With taximeters, be it 'mileage' only, or, 'time and mileage', identical trips do not always have identical rates. With taximeters, it is always a guessing game as to what the final fare will be. Taximeters makes it impossible to have flat-rate shared riding. Taximeters were never meant to protect the cab riding public. The gimmick of the taximeters is to make carelessness profitable, whether it be intentional or not. The overwhelming majority of cab drivers, cab companies and cab passengers in D. C. do not like and do not want the mandatory use of taximeters. There is a place for the taximeters, and that is, at the bottom of the nearest river, lake or ocean.

Taximeters will never make the dishonest cab drivers honest. These dishonest cab drivers will use the taximeters like a loaded, smoking gun, robbing their cab passengers at will and with almost complete immunity from ever being caught doing so. If you were to be stopped on the street and robbed at gunpoint, that robber when caught, would be sent to jail for several years. We now have some cab drivers that use their cabs as if it were a gun to rob their cab passengers. With taximeters we would have a tremendous increase in the number of cab drivers that would use their cabs as guns with which they could use to rob their cab passengers. Do these cab drivers ever get sent to jail when they are caught? Never! The Washington Metropolitan Area Transit Commission (WMATC), which sets and polices interstate taxi rates, just tells the cab drivers to give back the money they stole from their passengers and don't do it again. The WMATC, does very little or nothing to have their license to drive a cab revoked.

The mandatory use of taximeters in D. C. will cause the loss of millions of cab passengers. We now have approximately 8,700 taxicabs and approximately 12,000 licensed cab drivers in D. C. With taximeters we can expect 75% of them to be put out of business. We do not want to see thousands of jobs destroyed because of the mandatory use of taximeters. Congress can stop this from ever happening by keeping the mandatory ban on taximeters in the D. C. Appropriations Act.

Sincerely yours,

Irving Schlaifer

Irving Schlaifer, President
Washington DC Taxicab Association

METERS, CHEATERS AND FARE GAMES

[From the Washington Post, June 28, 1986]

IT WON'T GUARANTEE you a hassle-free cab ride—or even a cab you can call your own for a solo trip to your actual destination. But the longest-running controversy in the history of hacking here is suddenly up for radical rethinking. For the first time in 53 years, Congress may deign to let the local government of this capital city decide whether cabs should have meters instead of zone maps. To the amazement of tourists and other first-timers not versed in the colonial history of Washington, the absence of meters in cabs here has had nothing to do with any prevailing sentiments among the city's drivers, passengers or elected officials. The reason is simply that *Congress wanted it that way. Period.*

But look who's leading a charge now to let the meters do the talking: Rep. Stan Parris of Virginia, who's not exactly a point man for D.C. home rule, is pressing for the change. Mr. Parris, ranking Republican member of the House Appropriations subcommittee that oversees the District's budget, says that dropping the congressional ban on meters "is, pure and simple, a fairness issue" for drivers as well as passengers. That's right: when the ban was first introduced in 1933 by Rep. Clarence Cannon, the explanation had to do with the Depression and with sparing drivers the expense of installing meters. In later years, the explanations disappeared because Congress never felt any obligation to explain its local rule-making to the residents.

It's just a fluke, of course, that the fattest zone on the map is the one that goes from the Capitol through the heart of downtown to near-Georgetown. The map, needless to say, is not designed for rapid reading by either visitors or veteran riders. And while most of Washington's hometown hackers will interpret the cartography honestly, there are those faceless drivers with no visible permits who love to play "Let's Make a Deal" when they snag a novice passenger. Meters would change that, as well as improve the record-keeping for tax purposes.

As on any other issue affecting cabbies, there is nothing resembling a consensus among drivers on the desirability of meters. But it hasn't mattered, either, because by law they were not permitted. If Congress does drop the ban, the city government at least could tackle the matter seriously and hear out any and all proposals for a better fare system. Given the intensity of past public reactions to anything having to do with cabs here, city hall had better be ready for an earful.

SIXTY-SIX CABBIES ARE CITED IN REFUSALS

[From the New York Times, Sept. 13, 1986]

By ROBERT O. BOORSTIN

Nearly one of five medallion taxicabs hailed in a recent undercover operation refused to take passengers from Manhattan to requested destinations around the city, the chairman of the city's taxi commission said yesterday.

In the opening week of a planned six-week program, 66 taxicabs out of 342 randomly hailed by inspectors were issued summonses for refusing to take passengers where they asked the drivers to go, the survey found. A total of 125 summonses, including 15 for unclean cabs, were issued by inspectors.

Industry representatives yesterday immediately criticized the findings. They said that the team of 48 inspectors was unqualified and predicted that many of the drivers would be found not guilty if they appealed the summonses.

The chairman of the Taxi and Limousine Commission, Gorman Gilbert, said "anything over zero" was a bad sign. Mr. Gilbert said the commission would conduct further undercover operations once the initial study had been completed.

$100 Fine for 1st Offense

Drivers found guilty of refusing to take a passenger to a desired location must pay a minimum $100 fine for a first offense and at least $250 for a second offense within two years. For a third violation within the period, the commission can revoke the driver's license. The fine for a dirty cab is $25.

The undercover operation, dubbed "Easy Rider," is part of a sweeping program of changes promoted by Mr. Gilbert to improve the quality of taxi service.

Another part of that program, a

new English language test administered to prospective cab drivers, has resulted in a 10 percent rejection rate in a two-week period, Mr. Gilbert said in an interview. In 1985, the commission rejected only 1.1 percent of the 9,000 applicants for taxi licenses.

The inspectors, dressed in civilian clothes, hailed cabs at locations throughout Manhattan and asked to be taken to destinations in high- and low-income areas and to points in the other boroughs. They also issued 10 summonses for drivers who failed to follow directions and eight summonses for having doors locked before passengers entered.

Summonses Sent by Mail

In order to protect the inspectors' identities, drivers who refused trips were not issued summonses on the spot. The summonses will be mailed, based on information gathered by inspectors who entered the cab and others who followed in vehicles.

Drivers who agreed to take the inspectors to the desired location were asked to stop after a couple of blocks, where the inspectors identified themselves, issued cards signifying satisfactory completion of the test and paid the fare on the meter.

The executive director of the Independent Taxi Owners Council, Al Zeff, expressed "very severe skepticism" when informed of the findings. Mr. Zeff, whose organization represents 5,000 taxi owners and drivers, said details including the inspectors' behavior and judgment as to what constituted a refusal might heavily influence the findings.

Mr. Zeff ascribed the refusal rate to fear among city cab and car service drivers, three of whom have been shot and killed in the last two weeks.

Fear and Racial Issues Denied

Mr. Gilbert said many factors, including safety and economics, were involved in the trip refusals. "A lot of drivers say to me it's not a question of fear or racial issues but that they have to go a long distance and may not get a return trip," Mr. Gilbert said.

Alan B. Decker, lawyer for the Minifleet Association, which represents companies with two or three taxis, predicted that many of those cited by the inspectors would not be convicted if they appealed the summonses "because of the caliber of the undercover agents that they use."

In previous commission operations, he said, trained investigators and police detectives had been used.

The new, interim, English language test requires drivers to read several passages in the rule book issued by the taxi commission and then explain the rules. Of 164 applicants who took the test, 16 failed, Mr. Gilbert said.

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309 Medallion Cabs Cited for Declining Passenger Requests

[From the New York Times, Oct. 3, 1986]

About one in six medallion taxicabs hailed in the first month of an undercover operation refused to take passengers from Manhattan to requested destinations around the city, according to Taxi and Limousine Commission figures.

In the first four weeks of a planned six-week program, 309 taxicabs out of 1,800 randomly hailed by inspectors were cited for refusing to take passengers where they asked to go, the survey found. A total of 552 summonses, including 55 for unclean cabs, were issued by inspectors.

The results paralleled the findings of the first week of the survey, which were released last month. Industry representatives have criticized the operation, charging that the team of 48 inspectors is unqualified and predicting that many of the drivers would be found not guilty if they appealed.

The undercover operation is part of a

sweeping program of changes promoted by the chairman of the taxi commission, Gorman Gilbert. The commission is expected next week to make a recommendation about a possible increase in fares.

Drivers found guilty of refusing to take a passenger to a desired location must pay a minimum $100 fine for a first offense and at least $250 for a second offense within two years. For a third violation within the period, the commission can revoke the driver's license. The fine for a dirty cab is $25.

The inspectors, dressed in plain clothes, hailed cabs throughout Manhattan and asked to be taken to destinations in high- and low-income areas and in the other boroughs.

To protect the inspectors' identities, drivers who refused trips were not issued summonses on the spot. The summonses were mailed later.

Drivers who agreed to take the inspectors to the desired location were asked to stop after a couple of blocks, where the inspectors identified themselves and paid the fare on the meter.

The above news items make it very clear that far too many taximeter cabdrivers in New York City refuse to take cab passengers to their requested destinations. Yet, those that demand that we have the mandatory use of taximeters in the District of Columbia would have everyone believe that taximeters would be a cure-all. Nothing could be further from the truth. Taximeters in the District of Columbia would create many more problems and complaints than they would solve. We have, in the District of Columbia far fewer complaints and problems because we use the flat-rate zone system to compute the taxi fares.

Irving Schlaifer

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1987

WEDNESDAY, JUNE 11, 1986

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 10:10 a.m., in room SD-138, Dirksen Senate Office Building, Hon. Arlen Specter (chairman) presiding.

Present: Senator Specter.

DISTRICT OF COLUMBIA

COURT SYSTEM

STATEMENT OF HON. WILLIAM C. PRYOR, CHIEF JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS

ACCOMPANIED BY:

HON. FRED B. UGAST, CHIEF JUDGE, DISTRICT OF COLUMBIA SUPERIOR COURT

LARRY P. POLANSKY, ESQ., EXECUTIVE OFFICER, DISTRICT OF COLUMBIA COURTS

OPENING STATEMENT OF SENATOR SPECTER

Senator SPECTER. Good morning, ladies and gentlemen.

We will convene this hearing of the District of Columbia Subcommittee of the Appropriations Committee on the District of Columbia fiscal year 1987 budget.

The subcommittee has had a request to hear from my distinguished colleague, Representative Don Ritter, and we have granted that request, but I do not think Representative Ritter is here yet, so we will proceed with our panel of Chief Judge William C. Pryor of the D.C. Court of Appeals; Chief Judge Fred Ugast of the superior court; and Mr. Larry Polansky, Esq., Executive Officer of the D.C. courts. Your honors—and I include Mr. Polansky in that—we welcome you here.

Mr. POLANSKY. I thank you.

Senator SPECTER. It is a longstanding commitment of mine, as you know, to assist the courts in any way that I can, and the subcommittee can, in carrying out the important judicial functions.

I have had the pleasure of hearing from Judge Ugast in the past, and Mr. Polansky. We welcome you here, Chief Judge Pryor. On the order of sequence, Judge Pryor is listed first, so let us proceed with you.

OPENING REMARKS OF JUDGE PRYOR

Judge PRYOR. Thank you, sir. I have a prepared statement which has been submitted and I will not read it.

Senator SPECTER. Wonderful. It will be made a part of the record in full, and to the extent that you can summarize it, the subcommittee would be appreciative.

Judge PRYOR. This is a habit I learned at the courthouse, sir. In brief, I would like to say what I think is uppermost in all of our minds. We thank you for the resources that you have made available to us to study court delay. I can assure you that it is not something we have taken lightly. In the main, what is obvious from all statistics, and what I am sure that you are aware of, is that we have a large number of cases, and the time required for deciding them is growing longer all the time.

Our response has been to try to be more efficient, and in doing that, we have come up with a new calendering system. We have new attorneys for screening. We are working the judges harder. But when you look at the long term, the thing that I would like to impress upon the committee is, that I do think we still have the stubborn question of, can this court system, particularly, the appellate part of it, meet its responsibility in its present structure?

That raises the question whether we should add new judges, look to an intermediate court or change the jurisdiction of the court from one that is mandatory to discretionary in its appeals. Our study in Cockeysville focused on that, and more will be forthcoming when the reports are rendered.

With that, I would simply say that we are giving our best efforts, and stop there.

PREPARED STATEMENT

Senator SPECTER. Thank you, Judge Pryor, for summarizing. Your prepared statement will be made part of the record.

[The statement follows:]

STATEMENT OF CHIEF JUDGE WILLIAM C. PRYOR

Mr. Chairman and members of the District of Columbia Subcommittee of the Senate Appropriations Committee, it is my privilege to speak to you today regarding the budget of the District of Columbia Court of Appeals.

The Court of Appeals is requesting an appropriated budget of $3,758,000 for fiscal year 1987, representing an increase of $193,000 and two positions over the fiscal year 1986 budget of $3,565,000.

The last several years have seen a continual rise in our caseload and, as might be expected, difficulty in managing the caseload. Modern management methods must continually be introduced in order to attempt to stay even with the increases. For example, in 1983 the court disposed of more cases than were filed and, at the same time, reduced the average time on appeal. Unfortunately, although we were able to dispose of an equivalent number of cases in 1984 and 1985, the substantial increase in filings in both years has outdistanced our disposition rate and resulted in a sizable increase in pending cases. Furthermore, the addition of seven new trial judges, as well as the increased use of hearing commissioners in the superior court, has increased case dispositions in the superior court and, accordingly, has had an effect on the number of appeals filed.

We are requesting: $33,000 for two desperately needed positions; $133,000 for mandatory salary-related increases; $30,000 for equipment and law books; $44,000 to provide funding for contractual services for our automated support systems; and $4,000 for the increased cost of supplies and energy; offset by a $51,000 nonrecurring 1986 budget item.

In our quite modest 1987 budget request we have seriously considered the fiscal constraints of the District of Columbia and have asked for only those funds and positions which we absolutely require to adequately address the substantial workload of the present and to begin preparation for the anticipated additional increases of fiscal years 1986 and 1987.

On behalf of the court of appeals, I request that the subcommittee give favorable consideration to what we believe to be a very realistic fiscal year 1987 request.

Biographical Sketch

William C. Pryor

Judge Pryor has been the Chief Judge of the District of Columbia Court of Appeals since October 1984 and an associate judge of the court since July 1979. In addition, he was an associate judge of the Superior Court of the District of Columbia (and its predecessor, the D.C. Court of General Sessions) from 1968 to 1979.

Judge Pryor served 2 years with the U.S. Army in Europe in 1954–56; with the Department of Justice, Civil Division, 1959–61; as an Assistant United States Attorney for the District of Columbia, 1961–64 and 1967–68; with Ohio Bell Telephone Co., 1964–66; and with the Chesapeake & Potomac Telephone Co., 1966–67.

Judge Pryor is presently a board member of the Mount Olivet Lutheran Church and the Opportunities Industrialization Center and has been active in many other community and civil organizations.

He is a graduate of Dartmouth College (1954), Georgetown University Law School (1959), University of Virginia Law School (Master of Laws, 1982), and has been an adjunct professor at George Washington University since 1979. He has also taught at Georgetown University Law School, the Potomac School of Law, the Institute for Government Executives and the National Cathedral Schools.

TENURE OF CHIEF JUDGE PRYOR

Senator Specter. Chief Judge Pryor, you did appear before the subcommittee last year, and how long have you now been in the position of chief judge?

Judge Pryor. This is going into my second year. In October, it will be 2 full years.

COURT'S PROGRESS DURING JUDGE PRYOR'S TENURE

Senator Specter. Has there been progress? Congressman Ritter has now appeared. Congressman, if you will take a seat, we will hear you just as soon as we conclude the panel. We should not be too very long.

What progress, if any, have you made during the course of your tenure so far?

Judge Pryor. We have made some progress. One thing that we can see clearly, is that we are deciding more cases than we have been. That does not change the fact that even more cases are being filed, but we are deciding more cases than we have.

AVERAGE LENGTH OF TIME BETWEEN DOCKETING AND DISPOSITION OF CASES

Senator SPECTER. What is the average length of time between the docketing of a case in your court and its disposition?

Judge PRYOR. It is 521 days. However, given the way that we now calendar cases, I would like to speak a moment about that figure. You will notice that I mentioned that we have changed the way that we calendar cases. In brief, it can be described this way. The simplest cases that we have now go on what is called a fast-track calendar, and we decide those cases, sometimes, without a published opinion, or without even an unpublished opinion. We do it by order.

Now that 521-day figure represents opinions, either published or unpublished. If you add into the equation the orders that we now use to decide some cases, the figure looks more like 440 days.

Senator SPECTER. Are you making any progress, or are you falling farther behind?

Judge PRYOR. I think we are slowly falling behind. In other words——

Senator SPECTER. Falling behind?

Judge PRYOR. Yes; I do not think that we are solving the problem over the long-haul simply by being more efficient.

RECOMMENDATIONS TO ALLEVIATE BACKLOG OF CASES

Senator SPECTER. Do you have any recommendations for what you would like to do to cure the problem?

Judge PRYOR. I am now at the point, sir, where I think we have to say that some change is indicated; whether it is in the intermediate court, or more judges, or change the rule, is the question, but, I want to be cautious.

Senator SPECTER. But you have not made a decision on what the change should be?

Judge PRYOR. Not yet; bearing in mind we now have this report forthcoming that we just worked on, from the National Center for State Courts and from our Judicial Institute.

Senator SPECTER. Well, when you come to a conclusion, the subcommittee would be pleased to cooperate with you on what you would like to get accomplished. The court system is independent, we want to be helpful to you.

Judge PRYOR. Yes, sir.

Senator SPECTER. It goes beyond home rule. Judicial independence is the backbone of our system, and we are very cognizant of that, but we do want to be helpful. Judge Ugast, we welcome you back again, and look forward to your testimony.

OPENING REMARKS OF CHIEF JUDGE UGAST

Judge UGAST. Thank you, Senator. It is a pleasure for me to be here this morning and appear before you in this capacity. As you know, this is my first appearance before you in my new capacity as Chief Judge after only 1 week and——

Senator SPECTER. Congratulations on taking on the job. We all miss Judge Moultrie, but we wish you very well in your very important work.

Judge UGAST. I appreciate it, and, as you know, we were saddened by the loss of Judge Moultrie. As a result of his many appearances up here, you know all his characteristics, and what he brought to our court, and what he did. As I follow in his footsteps and I am going to try to carry out many of his programs, with some innovations of our own as we go along.

This morning, let me just say, having just gotten into this, that our request for the court involves an increase of $3,147,000 and 38 positions over last year.

The Council recommended a redirection of a portion of that, $233,000 and four positions, and then they added seven positions and $80,000 for the Child Support Enforcement Program, which was not included in the court's request.

Some of this redirected money, for example, $100,000 of it, for telephone service is very critical to us. What we would like to ask is that you consider restoring what we requested, as we believe it is very important to the support of our new judges, and what we have been trying to do now over the——

FISCAL YEAR 1987 INCREASE REQUESTED

Senator SPECTER. You have asked for an additional $3,147,000?

Judge UGAST. Yes, sir.

Senator SPECTER. And how many positions?

Judge UGAST. Thirty-eight.

Senator SPECTER. And if you get that, what will you get accomplished, Judge Ugast?

Judge UGAST. Well, what we think it will allow us to do is to give the support we need to the positions, the additional judges and commissioners, that you helped us get on duty, and to carry out the programs that we now have in place, and are putting in place.

BACKLOG OF CASES

Senator SPECTER. What is the picture on backlog this year compared to last year?

Judge UGAST. The backlog, in terms of the criminal caseload is really where we are showing the progress that I am very proud of. The pending felony cases, for example, as of December 31, were 2,356. As of Monday, I got the figure for May 1986. That figure is 1,839. I am very proud of that, in the sense of what we have done just in the last 5 months, really——

Senator SPECTER. Where was that figure a year ago?

Judge UGAST. On January 1, 1985, it was 2,488, I believe.

Senator SPECTER. You have lost me. Give me two figures, a year apart.

Judge UGAST. All right. January 1, 1985, 2,488 in felonies; December 31, 1985, 2,356 in felonies. The figure I gave you of 1,839, that I am very proud of, that shows the most recent effect, is May 31, 1986.

Senator SPECTER. How about the backlog on other lines? Have you robbed Peter to pay Paul a little here?

Judge UGAST. Well, the backlog in misdemeanors has also dropped substantially. Where it is not as good is in the other areas, in civil and domestic relations. Juvenile is up just a little bit, but I am concerned about all the other divisions of the court.

The resources that we received along with the judges, were utilized heavily on the criminal side.

Senator SPECTER. Has it made a significant difference?

Judge UGAST. It is making a significant difference, as of right now. It has taken us just about to now to really see the impact.

Our procedure was to set up additional calendars——

Senator SPECTER. If you get the $3,147,000, and the 38 new positions, Judge Ugast, give me a projection. What will the figures be a year from now?

Judge UGAST. Well, it is going to take a review and an effort to look at each of the divisions individually, with this court delay study, for me to see what else I need to do with the support I have gotten. It is just the support——

Senator SPECTER. Judge Ugast, I would appreciate it, if you would give me a specific projection on what you seek to accomplish with the additional money. Show the subcommittee what you think it will do.

Judge UGAST. I will be happy to. You mean submit something?

Senator SPECTER. Yes; I want to see what you think you can accomplish. Mr. Polansky is straining at the leash. Yes, Mr. Polansky?

Mr. POLANSKY. Of course what we can accomplish will be tempered by the level of case filings over that same period of time, and we will project that with both things in mind—what else can we do? But, in order to be accurate we would have to know what will be happening to us in this year that comes, the 1987 fiscal period?

LENGTH OF TIME PERSON IS ON BAIL

Senator SPECTER. Well, I understand that it is dependent upon the case filings. You have to make your projection on that. What is the longest case, that a person is on bail, without having them brought to trial, at the present time?

Judge UGAST. I do not have a specific on that right now. We can get it. The times are——

Senator SPECTER. More than 3 months?

Judge UGAST. Before getting to trial?

Senator SPECTER. On bail, before getting to trial on a charge of assault, of violence.

Judge UGAST. Well, the felonies are running still, some of them, 200 days, which is way too much.

Mr. Polansky. We will have specific figures on that as a result of the study done by the National Center for State Courts with the funds you gave us. They have broken it down to how many cases are completed within periods of time.

Ninety percent are done within *x* days; 98 percent, et cetera. And you will have——

Senator Specter. Mr. Polansky, I would like to know the answer to the question. I would like to know average time on trial of jail cases, bail cases, and I would like to know what the longest time on cases on bail, cases in jail.

I am concerned—and this is a question we have taken up each year for the past 4 years, that I have been chairman of this subcommittee—as to what we are doing by way of public safety, on trying cases where people are on bail. And the figures are always too long, everywhere; not only in the District of Columbia, but everywhere.

Mr. Polansky. I am sure you will not be happy with the figures, but this year we will be able to give you the best numbers we have ever had, in terms of accuracy and completeness.

[The information follows:]

In response to the request for information on the average time it is now taking to dispose of criminal cases, the following is submitted:

Felony Incarcerated		1984 Average Days	1985 Average Days
Filing to Judgment	Plea	180	183
Filing to Judgment	Others	425	385
Indictment to Judgment	Plea	137	147
Indictment to Judgment	Others	324	312

The oldest Felony case still pending in which the defendant is incarcerated is F6597-78, filed on December 19, 1978.*

Felony Released		1984 Average Days	1985 Average Days
Filing to Judgment	Plea	175	172
Filing to Judgment	Others	441	452
Indictment to Judgment	Plea	150	144
Indictment to Judgment	Others	376	395

The oldest Felony case still pending in which the defendant is on pretrial release is F1911-82, filed on April 1, 1982.*

Misdemeanor Incarcerated		1984 Average Days	1985 Average Days
Filing to Judgment	Plea	73	71
Filing to Judgment	Others	162	172

The oldest Misdemeanor case still pending in which the defendant is incarcerated is M585-83, filed on January 17, 1983.*

Misdemeanor Released		1984 Average Days	1985 Average Days
Filing to Judgment	Plea	64	66
Filing to Judgment	Others	174	159

The oldest Misdemeanor case still pending in which the defendant is on pretrial release is M10076-84, filed on August 21, 1984.*

* The file of each of these "oldest cases" reflects some portions of "excludable delay" resulting from appeal activity, bench warrant, Mental observation and evaluation, etc.

NEED FOR A NEW PRISON FACILITY

Senator SPECTER. The ability to allocate extra money depends, in significant part, about what you can show that you can do with the money, and what you show you have done with the money. Judge Ugast, do you think a new jail would be of help in sentencing, in the District of Columbia?

Judge UGAST. I do. I feel very strongly, Senator——

Senator SPECTER. Excuse me. You said, "I do"?

Judge UGAST. I do. I want to couple that with the statement that every alternative that we can deal with to help in the jail overcrowding is essential, whether it be alternative to sentencing or intensive probation programs that we are about to start, but, we still need more bed space in the jail.

IMPACT OF PRISON SPACE ON JUDGE'S SENTENCING DECISIONS

Senator SPECTER. Well, Judge Ugast, you and I have discussed this subject before, and so did we with Judge Moultrie, and I know it is a difficult matter; but I am firmly of the view, having the experience I do on this committee, the Judiciary Committee, as District Attorney, that there is inevitably a sense by the sentencing judge, on what sentence he imposes, depending upon what the availability of prison space is. There are inevitably some cases where the judge would really like to sentence to jail but feels that he simply cannot because of overcrowding, and as a matter of fundamental safety, more people ought to go to jail than are going to jail, and are being impeded from going to jail because of the absence of space.

It is not a matter that the court can do anything about, but it is something the Council has to do something about, and the Mayor has to do something about. This subcommittee has been very active on it, and it is a little discouraging.

Judge UGAST. Well, it is a deep concern of mine, and when I, during the times I was acting for Judge Moultrie, and even when I was up here before, did comment the first time you asked me that, maybe 2 years ago, I think my response was something to the effect, Well, I didn't think it was having any substantial impact at the time but it was causing us great concern.

My answer would be different now; for in the marginal case, a close case between incarceration, or not, I think it is having an impact on sentencing. So my answer is a little different today than it was 2 years ago.

Senator SPECTER. Well, fine. So you think that if we had more jail space, that more people would be going to jail on the discretionary judgments of the judges?

Judge UGAST. In some areas, coupled with all the other alternatives that we can come up with.

Senator SPECTER. The judges really have to be free to exercise their discretion, and they should not tilt away from a jail sentence in a case where they think it is necessary because there is no space. Chief Judge Pryor, would you care to comment on that issue?

Judge PRYOR. I was distracted. I'm sorry.

Senator SPECTER. Well, Congressman Ritter, would you care to comment on that issue? [Laughter.]

Mr. RITTER. I think we were both distracted by the same distraction.

Senator SPECTER. Chief Judge Pryor, Judge Ugast has just said that he does believe that in the marginal case, more people would go to jail if we had the physical facilities available. I would invite your comment on that, if you care to do so. I do not want to intrude on your judicial discretion.

Judge PRYOR. Sure. No problem. As a former trial judge, and having been in that situation, basically what happens is, you look at your range of choices, and in those close cases where you feel that the balance swings toward incarceration, if the space is not there, then you play it safe and go to the next alternative. So if the space is there, you use it. So I would agree.

Senator SPECTER. Well, all right. I am going to tell Mayor Barry and Council Chairman Clarke, that the public safety, in the view of the chief judge of the Court of Appeals of the District of Columbia and the chief judge of the superior court, that public safety would be enhanced if we had more jail space in terms of getting more people off the street who ought to be off the street, and see if we cannot light a little fire under them to get the jail moving.

ADDITIONAL FUNDING TO REDUCE BACKLOG OF CASES

Judge PRYOR. I think that is a fair statement.

Senator SPECTER. OK. We will carefully consider your budget request. If you had any magical plans to reduce the backlog even more, you could show this subcommittee a really tangible way to reduce the backlog on cases, both bail and jail, which might be implemented with some extra funding.

This is one Senator who would look very favorably on that, and will try hard on other lines, and reallocation of priorities to make that happen. It would be great value for the money, if you could come up with that.

Mr. POLANSKY. Senator Specter, the project that you funded in this year's budget has, as its final product, a report that will say to us, "What will it take to reduce delay to acceptable levels across the board in the District of Columbia courts?"—with the price tag attached. So, in the next 30 days, we expect to submit such a report to you.

Senator SPECTER. All right. I would be interested to know that. I take it you feel that the extra funds we have given you in the past—you have already said the additional judges we provided have been instrumental in reducing the backlog up until this point.

Judge UGAST. Tremendously. It is just I have got to now look at it courtwide, more broadly, than I have in the past.

Senator SPECTER. To the extent that you could provide the subcommittee with specifics as to how those funds have, in a concrete way, reduced the backlog, that would be useful in our evaluation of your requested budget. Thank you very much, Chief Judge Pryor, Chief Judge Ugast, and Mr. Polansky.

Mr. POLANSKY. Senator Specter, I will submit my statement for the record, too.

Senator SPECTER. Oh, I am sorry, Mr. Polansky. I did not mean to cut you off.

Mr. POLANSKY. There is nothing of great urgency in the court system budget, and I have submitted a statement. We have requested an amount that the Mayor and the Council have supported.

The only difference, between the entire court system budget and the budget submitted by the District, is the redirection that Judge Ugast mentioned, and an explanation of that is in the materials that we submitted.

PREPARED STATEMENTS AND SUBMITTED QUESTIONS

Senator SPECTER. All right. That is fine. Thank you very much, gentlemen. Your complete statements will be made part of the record. I also have some questions which I will submit to you to be answered for the record.

[The statements and submitted questions follow:]

STATEMENT OF CHIEF JUDGE FRED B. UGAST

Mr. Chairman and members of the District of Columbia Subcommittee of the Senate Appropriations Committee, it is a privilege to appear before you today to speak on behalf of the budget request of the Superior Court for Fiscal Year 1987.

This is my first appearance before the Subcommittee as Chief Judge of the Superior Court. Although pleased to have been named as Chief Judge, I am also greatly saddened since the vacancy was due to the untimely death of Chief Judge H. Carl Moultrie I on April 9, 1986. This unique man was a Chief Judge who will be remembered for: his industry; his energy; his knowledge; his respect for the individual; his grasp of the "big picture"; his use of effective and innovative techniques in the administration of justice; and for his great compassion for his fellow man.

The budget to which I speak today is the budget which Judge Moultrie submitted to the District and the Congress. In this budget, the Superior Court is requesting a total operating budget of $43,859,000 which reflects an increase of $3,147,000 and 38 positions over the 1986 budget. The Council has recommended redirection of $233,000 and four positions (requested by the Court and supported by the Mayor) and the addition of seven positions and $80,000 for a Child Support Enforcement Program not included in the Court's request. This redirection has resulted in the transfer to the Schools of $153,000 which the Mayor's recommendation had allocated to the Superior Court budget for very critically needed personnel and mandatory expenses such as telephone service where $100,000 was "redirected."

The Superior Court continues to operate with a severely overburdened work force, and unless the new positions requested in our 1987 budget request are approved, the Court will not be able to effectively carry out its mission of dispensing justice in a timely manner.

The Superior Court still finds itself at a very critical point in its short 15 year existence. This situation results from:

1. overall pending case loads which are at an all time high, although, with your help, we have made tremendous gains in the criminal case loads despite substantially increasing filings;

2. new initiatives (such as the crackdown on crime and repeat offenders) and laws which place added duties and responsibilities upon the court;

3. increased criminal case activity which results in higher payment totals of fees which are prescribed by statute (such as juror entitlements);

4. mandatory pay increases; and

5. the effects of inflation on the very basic and absolutely necessary costs of doing business (e.g., supplies, building rental, equipment rental, service maintenance and repair of equipment, etc.).

The details of our request are as follows:

MANDATORY PERSONAL SERVICE INCREASES FOR EXISTING STAFFING

Increase for FY 1987 pay adjustment: +$1,104,000. In order to provide for the October 1986 pay increase, $1,104,000 is requested. If the mandated salary increase is not funded, the Superior Court will have to eliminate at least 50 staff positions during a period when ever-mounting and record high pending case loads exist. We are already experiencing accelerated criminal case filings resulting from an intensified city-wide crackdown on crime and criminals. Cutbacks on the staffing level of the Superior Court under these conditions would dramatically and adversely affect the criminal justice and public safety systems of this community.

Increase for within grade advancements: +$458,000. This funding request is necessary to provide for the within grades which are required by law to be given to eligible employees. The Court cannot absorb this mandatory cost. To do so would mean that 15-20 existing critical court support positions would have to be held vacant when employees leave and would, inevitably, result in a significant cutback in the services the Court provides to the citizens of the District of Columbia.

Increase for fiscal year 1985 judges' pay raise: +$128,000. A Superior Court Judge's rate of compensation is, statutorily, 90% of the rate prescribed for a judge of the United States District Court (D.C. Code, Sec. 11-904(b)). During FY 1985, a 3.55% judicial pay raise became law. Time did not permit us to include this statutorily mandated cost in our FY 1986 budget request and, therefore, the increase is not in the budget base.

Annualization of five Multi-Door Dispute Resolution Program positions: +$30,000. In the fiscal year 1986 appropriation, five new positions were authorized to initially staff the Multi-Door Dispute Resolution Program. These positions were funded for nine months. This is to request annualization (three months' funding -- $27,000 for compensation and $3,000 in benefits) to provide for the full-year payroll expenses associated with these five positions.

Increase for overtime pay: +$20,000. Numerous statutes and Superior Court Rules require that certain operations of the Court (e.g., criminal arraignments, new juvenile referrals, small claims) be open to conduct business on weekday evenings, holidays and Saturdays. These services generally require services of the financial unit and Social Services as well as normal courtroom operation support personnel. Previous position reductions and vacancies created by inadequate funding have made it impossible to cover these hours through the use of "FLEX" time. Overtime is the only possible solution and it is estimated that the cost of such overtime will exceed the current budget base by approximately $20,000 in FY 1987.

COURT-WIDE (OTHER THAN PERSONAL SERVICE) INCREASES

Increase for office supplies: +$60,000. Actual supply costs amounted to $395,400 in fiscal year 1985. With increases of six percent anticipated in fiscal years 1986 and 1987 we project that supplies and materials will amount to $439,000 in fiscal year 1987. Since the budget base is funded at $379,000, a $60,000 increase is necessary for this very basic cost of doing business.

Increase for building rental: +$17,000. The Social Services Division, in addition to its primary base of operation in Judiciary Square, has three field units from which it provides its various services. The Court has been advised that the full cost of the leased space for these three probation office field units in the Northwest, Northeast and Southeast sections of the City will amount to $117,000 in fiscal year 1987 - $17,000 above what is currently provided in the base.

Increase for telephone service: +$153,000. It is anticipated that telephone service costs in FY 1987 will amount to $578,400. With only $425,000 in the budget base it is necessary to request $153,000 in additional funding.

Increase for service maintenance contracts and repairs: +$82,000. The actual cost of office machinery maintenance and repairs amounted to approximately $430,000 in fiscal year 1985. Anticipating a five percent per year rate increase for fiscal years 1986 and 1987, $82,000 will be needed.

Increase for postage: +$27,000. In fiscal year 1985, postage costs amounted to $189,000. We anticipate our fiscal year 1987 mailing costs to reach $199,000. Since only $172,000 is provided for postage in the Court's budget base, the balance of $27,000 is requested.

Increase for juror fees and entitlements: +$200,000. In FY 1987 we expect to feel the full effect of having 51 judges on board. Also, as a result of the District of Columbia's intensified attention to the District's crime problems and the Court's increasing jury trial case load, an even more dramatic increase in the number of criminal cases brought before the Court for jury trial is expected and, accordingly, the additional cost of jurors is expected to bring the anticipated FY 1987 expense to $200,000 above our $3,044,000 base.

Increase for Screening and Diversion Program: +$24,000. In fiscal year 1982, after several successful years as a grant funded operation, the Screening and Diversion Program received appropriated authorization. In fiscal year 1985, the program was financed at the level of $233,000. No increase in funding was provided in FY 1986. This is to request funding for the projected increase in the cost of contractual services.

Increase for Street Law Program: +$5,000. The Street Law Program is a juvenile delinquency prevention program that diverts youths who have received Consent Decrees from traditional probation services into weekly law-related classes. While in class, youths learn the personal and community-wide consequences of delinquent behavior as well as basic coping skills. The classes involve students actively learning by using teaching techniques designed to improve attitudes and behavior. Youths are required to report to 12 consecutive Saturday classes. This is more than is required in traditional supervision. Youths are investing time and effort in deterring further criminal involvement. At the same time, they are having a positive educational experience. It is estimated that $50,000 in contractual services funding will be required in FY 1987 for administration of this program. Since $45,000 was initially approved in the FY 1985 budget and no increase was provided in FY 1986, we are requesting a minimal increase of $5,000 at this time.

Increase for law books: +$25,000. In order to maintain the Court's legal and existing general reference libraries, and just to satisfy its basic reference needs, a base increase of $25,000 is required. Maintaining existing law book collections requires an accelerated level of expenditure each succeeding year due to the vast expansion of written works and the rapidly rising cost of books and required update services.

Base Reduction for office equipment: -$61,000. This base reduction is to eliminate one-time funding for office equipment purchased in FY 1986.

PERSONAL SERVICES INCREASES - STAFF

CLERK OF THE COURT

CS-15 Deputy Clerk of Court and CS-08 Secretary: ($67,000). Consistent with D.C. Code 11-1721, the Clerk of the Court has been delegated responsibility for the supervision of all nonjudicial staff in the jury office, Appeals Coordinator's Office, Marriage Bureau, General Counsel and Attorney Advisors, Library, and Civil, Criminal, Family, Probate and Tax Divisions. These operational units provide direct support to the judiciary on a daily basis and maintain official dockets and records of Court proceedings. The lack of a person at the level of Deputy Clerk in the Office of the Clerk of the Court inhibits optimal coordination, auditing, monitoring and review of the current procedures as well as the maximum implementation of innovations in the supervision of courtroom operations. Additionally, the Court has embarked on the development of essential operations guidelines for consistency in uniformity and continuity of operations and performance. Accordingly, the creation of the position of Deputy Clerk of the Court (CS-15) is of utmost significance for the strengthening of Court management.

The Clerk's Office generates a tremendous amount of paper work and an insufficiency of secretarial staff causes a delay in the generation of information and response from the Clerk's Office. This delay from the Clerk's Office slows down the entire judicial system for the District of Columbia Superior Court. The position of Secretary (CS-8) to the Clerk of the Court will greatly diminish this delay and will provide the necessary secretarial support for coverage of this most important office.

CIVIL DIVISION

CS-05 File Monitor: (1 position - $13,000). One of the most difficult problems in any court system is that of keeping track of case files so that they can be located when needed. The necessity of having the court file available for processing or disposition by various offices within the Civil Division and judges' chambers is a critical one. Over 300 requests are made daily for files. Another 300 or more files are moved from the file room to other areas of the court for processing or disposition. At the present time, files cannot be adequately monitored to assure that they are returned after being removed. Many hours of non-productive time are spent by staff looking for files each week. Many times, court must be delayed because a file is not available. In order to implement a file tracking system, a CS-5 File Monitor is requested. The approval of this position will save many hours of non-productive time and will control the flow of case files.

CS-06 Computer Data Entry Clerks: (6 positions - $79,000). The Civil Division is currently developing a computerized information system. This system will have the capability of doing many things that are not now possible because of the time and manpower required to do them manually. The operation of the system will not eliminate or replace functions currently being performed by Civil Division personnel, but will enable the performance of these functions in a more effective and efficient manner. It will give the Civil Division more timely, accurate and comprehensive management information, as well as provide support for many operational tasks.

Over 1,500 pieces of information per day must be entered into the computer in the Civil Actions Branch alone. This information includes papers and pleadings filed by counsel, orders and judgments filed by the court, entries recorded on the court file and actions taken by court staff in processing and disposing of civil actions. The data will have to be deciphered, identified, categorized and then entered into the computer. In order to handle this volume, six CS-6 Computer Data Entry Clerks are needed.

CS-07 Interview and Judgment Clerk, Small Claims Branch: (1 position - $17,000). The increase in Small Claims jurisdiction from $750 to $2,000 has caused the number of new cases filed in 1985 to increase by approximately 11,000 (44%) over 1984. The number of new cases filed in 1985 was almost 36,000 and it is anticipated that 1986 and 1987 will bring further increases in filings. The present staff will not be able to handle this increase in work load without a serious backlog and a severe deterioration of the service now being provided to the public by the Small Claims Office. To correct this understaffed condition, a CS-7 Interview and Judgment Clerk is requested.

CRIMINAL DIVISION

CS-05 Guards: (4 positions - $50,000). The U.S. Marshals Service will no longer handle prisoners in the Court's cellblock for offenses pertaining to D.C. and Traffic cases. The Superior Court has the responsibility of receiving, searching, processing and maintaining custody and control of prisoners brought to the Superior Court's cellblock. Four CS-5 Guards are needed to carry out this vital function.

CS-09 Property Room Supervisor: (1 position - $21,000). The Property Room in the Criminal Division: maintains courtroom exhibits, drugs, weapons, money and other items admitted into evidence; safeguards this evidence until the appropriate time for returning it to parties; and maintains an inventory of all such evidence. The current staff of two report directly to the Felony Branch supervisor who has many other responsibilities. Three positions are needed full time to properly staff this area and one should be an on-site supervisor. There is a constant demand for the safeguarding and total accountability for all evidence. For these reasons, a CS-9 Property Room Supervisor is required.

RESEARCH, EVALUATION AND SPECIAL PROJECTS DIVISION

Multi-Door Dispute Resolution Program: (5 positions - $112,000). In 1984, the District of Columbia was selected by the American Bar Association to be one of three model cities to establish a Multi-Door Dispute Resolution Program. While a number of alternative programs for the resolution of disputes exist in the District of Columbia, citizens typically are not aware of them. Indeed, many citizens do not know that there are viable dispute resolution options, nor do they know which options are best suited to resolve particular types of disputes. An intake Center, currently operating in the Superior Court, provides individualized assistance to citizens, helping them understand the range of options available to them for getting their disputes resolved.

Although five positions were authorized in the FY 1986 budget, this small staff cannot handle the number of clients visiting the Center daily. It is essential that one CS-9 Dispute Resolution Specialist; one CS-8 Mediation Coordinator; one CS-8 Intake Liaison Officer; one CS-6 Legal Intake Specialist; and one CS-6 Intake Secretary/Receptionist be added. Without approval of these positions, the services provided will be limited and many disputes which could be settled out of court will have to go to court, thus increasing court congestion and resulting in delays in resolution of cases. In addition to the personnel requirements, $5,000 is requested for Mediator/Volunteer reimbursements and $21,000 for Technical Assistance and Training.

Sentencing Guidelines Project: (1 position $39,000). Since the late fall of 1983, an 18 member city-wide Commission has worked with Court staff in developing felony sentencing guidelines for use by Superior Court judges. It is anticipated that the guidelines currently being developed will be adopted by the Board of Judges and implemented courtwide by the beginning of FY 1987. Once the guidelines have been implemented, it will be necessary for the Court and the Commission to apply, maintain, monitor, refine and modify them on a continuing basis. Among those tasks to be performed regularly are the following: training of judges, probation and parole officials and prosecutorial and defense attorneys; review of sentencing worksheets for errors and inconsistencies; contacting appropriate personnel to clarify and correct errors prior to sentencing; recording sentencing departures and securing departure reports; maintaining a project data base consisting of each sentence imposed under the guidelines; determining the impact of the guidelines on correctional resources and projecting prison impact. A CS-14 Project Manager is requested for the overall long-range and day-to-day operation of the project. It is imperative that a full time person be available and responsible for the application, monitoring and modification of guidelines on a continuing basis.

FAMILY DIVISION

Child Support Enforcement Unit: (2 positions - $35,000). In January, 1984, the Court initiated its Child Support Enforcement Unit (CSEU) to automatically initiate enforcement of child support orders where the recipient would otherwise have to hire private counsel. It had been common experience, both locally and nationally, that these recipients, usually single mothers, suffer a serious drop in income after divorce or separation, virtually precluding their hiring private counsel. Their alternative was to take part in the federal IV-D program, which utilized the Office of the Corporation Counsel to pursue enforcement; this program, while far less expensive than hiring private counsel, was slow and still required considerable effort on the woman's part to file an enforcement claim.

The Court through the CSEU automatically identifies past-due accounts and initiates progressive levels of enforcement action. It has achieved a 70 percent success rate enforcing support orders, primarily because enforcement begins at the first missed payment, before large arrearages have accrued or the payer has been lost to the system through change of employment or residence.

Successful enforcement requires considerable human involvement, to keep track of payers, to determine which of five different legal actions is appropriate in a given case, to explain the process to employers who are required to garnish wages and to provide a "window on the bureaucracy" for people whose checks are lost, addresses changed, or who simply do not understand the system.

Approximately 40 new cases are added to the system each month. At program initiation, one monitor position was established. By fiscal year 1987, in order to maintain the program at its present level of effectiveness and handle the mounting case load, the program will require the addition of one CS-8 and one CS-6 Child Support Enforcement Case Monitor.

The program has been extremely well-received. If any complaint exists, it is that the Court has had to rigorously limit access to the program because of lack of staff. (Only new orders dated after January 1, 1984, are entered into the system.) These two Case Monitor positions do not expand the program, they simply continue its operation in response to new cases.

Counsel for Child Abuse and Neglect Staff: (1 position - $15,000). In 1984, the Council passed the Neglect Representation Equity Act that provides for attorneys in neglect cases to be paid the same per hourly rate as in the Criminal Justice Act program. Because of this legislation, the total vouchering system and recordkeeping system of the office has experienced a tremendous increase in work load. Similarly, recordkeeping has become more complicated. Client eligibility forms are more complex and records must be kept when contribution to the cost of legal representation is ordered. There are approximately 1,750 attorney appointments per year for a caseload which involves approximately 1,500 families involved in approximately 3,000 neglect cases.

Due to the increased work load, a CS-6 Clerk-Typist is needed to enable the office to maintain a reasonable level of accuracy and timeliness.

Domestic Relations Branch Staff: (1 position - $15,000). The Domestic Relations Branch has experienced a 79 percent work load increase in the Paternity and Support section, brought about by the District's increased emphasis on timely processing and enforcement of child support orders. 1985 work loads indicate that case processing rates are increasing greatly. In 1984, 2,735 new cases were filed; in 1985, 4,380 new cases were filed, which represents a 60 percent increase in one year. It is important to schedule and dispose of these cases as quickly as possible. In order to keep abreast of this ever-increasing case load, one CS-6 Docket/Intake Clerk is urgently needed.

SOCIAL SERVICES DIVISION

Social Services Division Staff: (11 positions - $270,000). Since its creation in 1971, the Social Services Division has continually worked and reworked its resources to accommodate events occurring outside its control that, nonetheless, impact on its day-to-day operations. The cumulative effect has been a substantial increase in the work load of the Division. For example, between 1976 and 1984 the case load increased 60.9 percent (from 7,885 to 12,684). Concurrently, the number of judicial reports, presentence reports, juvenile social studies, and progress reports, etc. increased 62.3 percent from 8,132 reports completed in 1976 to 13,199 reports completed in 1984.

In order to cope with the ever-increasing case load of the Social Services Division it is necessary that 1 CS-13 Supervisory Probation Officer; 7 CS-12 Probation Officers; 1 CS-6 Word Processing Specialist; and 2 CS-6 Probation Clerks be added to the current staff.

Increase for services for youth under court supervision: +$100,000. There are a significant number of youths who are on probation and require services beyond the capabilities of staff to render. These services include various types of specialized diagnostic evaluations and specialized treatment programs, e.g., family counseling, psychotherapy, tutoring, and special academic programs.

Many of these special services are provided by the public sector at no cost to the agency. Often, however, these services may not be available in a timely manner or, in some instances, are totally unavailable from the public sector. In those instances, the private sector must be involved in the delivery of services. The Court (and its Social Services Division), however, does not have funds available to it to purchase these necessary services from private agencies or practitioners. It is firmly believed that if needed services are made available, not only would many youths personally benefit, but, for some, revocation proceedings and commitment may be contraindicated.

In 1985, the Court received a $25,000 subgrant from the Office of Criminal Justice Plans and Analysis (OCJPA) to initiate a purchase of services program. This program was begun in August 1985 and because of its limited funding, was restricted to obtaining a limited number of educational assessments; limited tutorial services to probationers; and a limited number of specialized diagnostic and treatment services. It is anticipated that another OCJPA subgrant of approximately $70,000 will be awarded to the Court in FY 1986 but that grant funding will not be available for FY 1987.

At present, the Division also has the capability of referring approximately 30 youths (over an 18 month period) to the Inter-Agency Youth Project, which has the capability of purchasing necessary services. The need for this service is considerably greater. For the FY 1987, funds to serve 50 youths at an approximate cost of $2,000 per year per youth are needed.

DATA PROCESSING DIVISION

CS-12 Computer Systems Analyst: (1 position - $28,000). There is no more urgent need within the Superior Court's Data Processing Division than the requirement for a Systems Analyst. Currently, the court with a 16 hour - two shift operation has only one senior systems analyst on staff. This is a very precarious position and leaves the Court open to major problems should this analyst not be available. The Systems Analyst's job is to maintain the computer's operating system, apply operating system upgrades and install new software. Having one person in this area has not been by choice, but is the result of the lack of a position at a grade level adequate to attract a competent person for this difficult and demanding area. The requirement is obvious and the potential dangers of not having adequate coverage in this area are alarming. The approval of a CS-12 Computer Systems Analyst will help assure that the Court's computer system will be available when needed.

FINANCIAL OPERATIONS DIVISION

CS-06 Finance Clerk: (1 position - $14,000). Recent new Federal and D.C. Laws permitting the attachment and assignment of salaries and wages for maintenance and support payments for child support have created an extra burden on the Family Finance Office without a corresponding increase in staff. Attachments and assignments have become so numerous that most large firms and government agencies have computerized their transmittals and forward one large check with a computer listing of payees requiring extensive additional analysis, identification and posting work. The number of support checks processed have increased from 85,070 in 1980 to over 115,000 in 1985, an increase of 26 percent. Disbursements during this same period increased by over $5 million. With such heavy increases in work load, it has become impossible to provide the Court-mandated 24 hour turn-around for support payments without a corresponding reduction in other services and functions of the Family Finance Office. Approval of an additional CS-6 Finance Clerk will help alleviate this condition.

We now have a chance, with the added judges and commissioners, to attack case backlog and unnecessary delay that exists in our Court and, therefore, to be able to make the Superior Court of the District of Columbia, with your help, a model which will be second to none. However, without the continued support for the necessary resources, our efforts will be fruitless.

The action of the Council in redirecting the funds which the Mayor fully supported is a serious blow to our efforts.

In closing, Mr. Chairman, I wish to thank you and other members of the Subcommittee for the kind consideration you have shown the Superior Court in the past and hope you will look favorably upon the Court's request for this year.

STATEMENT OF LARRY P. POLANSKY

Mr. Chairman and members of the District of Columbia Subcommittee of the Senate Appropriations Committee, I thank you for the opportunity to speak today to the budget of the District of Columbia Court System.

The Court System is requesting a Fiscal Year 1987 operating budget of $16,028,000, an increase of $491,000 or 3.2% and three positions over Fiscal Year 1986.

The $491,000 in increases requested includes: $138,000 for mandatory payroll costs; $9,000 for miscellaneous items such as supplies, printing and training; $400,000 for Criminal Justice Act fees; and $45,000 for three clerical positions needed to process the increase in work load in the Criminal Justice Act Program. These amounts are, however, offset by two non-recurring items in our fiscal year 1986 budget which reduce the budget base by $101,000 as follows: (a) $1,000 for a one-time purchase of equipment; and, (b) $100,000 for a one-time contract to survey the status of all court calendars.

We are also requesting $2,646,000 in new capital authority for three projects to provide for expanded facility needs in the District of Columbia Courthouse resulting from increased mission work load and $1,145,000 for one project to rehabilitate existing facilities for a more economically efficient operation.

In preparing the Courts' budgets we have, as always, kept in mind the continuing fiscal constraints under which the District operates and the extraordinary pressures that "Gramm-Rudman" may add to the budget process. We are extremely pleased, therefore, to report the Mayor's and the Council's agreement with and support for our submission.

Finally, on behalf of myself and the Joint Committee on Judicial Administration, I want to thank you for your consideration of our requests and ask that you look favorably upon this year's submission.

BIOGRAPICAL SKETCHES

FRED B. UGAST

. . . was sworn in as Chief Judge of the Superior Court of the District of Columbia on June 2, 1986.

. . . he has been Presiding Judge of the Criminal Division of the Superior Court of the District of Columbia since July 1981 and periodically served as the Acting Chief Judge. He is the Chairman of: the Sentencing Guidelines Commission; the Committee on Pretrial Mental Examinations; the Advisory Mental Health Rules Committee; and has served on numerous other Court committees including service as an alternate on the Mayor's Crime Commission. He has been active in various Church, school and community activities. His prior work experience includes various positions with the Department of Justice from 1950 - 1973. When named to the Superior Court Bench in 1973 he was the Deputy Assistant Attorney General for the Tax Division for the Department of Justice.

He is a graduate of Catholic University (1945) and Harvard Law School (1950).

LARRY P. POLANSKY

. . . is the Executive Officer of the District of Columbia Courts. He was formerly the Deputy State Court Administrator of the State of Pennsylvania and Chief Deputy Court Administrator for Operations and Services at the Philadelphia Court of Common Pleas where he was responsible for a major portion of the administrative management of a large urban court.

. . . is also a "computer professional" and has worked in every position from computer programmer to manager of Data Processing including a tour of duty as a systems engineer with IBM Corporation. In addition, he worked in government accounting for over five years with the City of Philadelphia immediately after college.

He was a member of the ten-person Advisory Task Force on Information Systems and Statistics for the National Advisory Commission on Criminal Justice Standards and Goals and is the author of the Courts Technical Assistance Monograph, Computer Use in the Courts: Planning, Procurement and Implementation Considerations.

He received his B.S. in Accounting from Temple University (1958) and a law degree from Temple University School of Law (1973) and is a Graduate Fellow of the Institute for Court Management.

QUESTIONS SUBMITTED BY SENATOR SPECTER

COURT OF APPEALS

SENATOR SPECTER:
1. Funds are requested for updating and replacement of word processing equipment. What is the replacement schedule for all such equipment, at what annual cost?

CHIEF JUDGE PRYOR:
1. During fiscal year 1986, budgeted funds were provided for a portion of the word processors required to replace very early models. Again in 1987, only a portion of requested funds have been recommended by the City, with agreement by the Court. Ultimately, the court intends to provide up to four work stations for each chambers (secretary, judge, law clerks) and eight work stations for the Clerk's staff and staff attorneys. During 1986, each chambers was provided with two work stations (to be delivered in June and August) and the Clerk's staff and attorneys will be provided with four. The funds requested in fiscal year 1987 will cover only six or seven more work stations. We hope, however, to complete the project during fiscal year 1988 provided that sufficient funds are approved.

SENATOR SPECTER:
2. What services will be contracted for in the technical support area?

CHIEF JUDGE PRYOR:
2. Consultants for modifications and support of computer software, and technological changes to improve court management.

SENATOR SPECTER:
3. What initiatives are included to reduce delay on appeal?

CHIEF JUDGE PRYOR:
3. Current experimentation with early case screening, fast-tracking of uncomplicated appeals and early dismissal of frivolous and jurisdictionally defective appeals. Further initiatives are under study with respect to calendaring and opinions. Cooperative efforts with the trial court and court system are under way to expedite preparation of records and transcripts, including electronic recording transcription.

SENATOR SPECTER:
4. Provide a breakdown of cases pending on appeal by civil, and criminal, showing type of offense involved.

CHIEF JUDGE PRYOR:
4. As of May 22, 1986, the Court of Appeals had 1,491 criminal cases pending, 561 civil cases, 188 petitions from administrative agency decisions, 31 attorney discipline reviews within the major types of appeals. Of the criminal cases, 1,026 were felonies, 428 misdemeanors, 15 special proceedings, 14 traffic and 8 others. Due to the variety of charges and the fact that appeals frequently include several charges for a single defendant, it is very

difficult to secure accurate statistics respecting the types of offenses charged. We are, however, attempting to do so and such statistics will be forwarded in a few days.

SUPERIOR COURT

SENATOR SPECTER:
1. Explain the difference in the $43,859,000 requested by the court and the $153,000 less requested by the District?

CHIEF JUDGE UGAST:
1. The City did not recommend funding the following items which were requested by the Superior Court:

2	Computer Data Entry Clerks (Civil Actions Branch, Civil Division), CS-6	$ 26,000
1	Deputy Clerk of the Court, CS-15	47,000
1	Secretary to Clerk of the Court, CS-8	20,000
...	Director, Sentencing Guidelines Project, CS-14 (City is proposing a grade CS-12 position)	10,000
...	Supplies and Materials (Court's request - $60,000/City's recommendation - $50,000)	10,000
...	Telephone Service (Court's request - $153,000/City's recommendation - $53,000)	100,000
...	Service Maintenance Contracts and Repairs (Courts's request - $82,000/City's recommendation - $62,000)	20,000
4	Totals	$233,000

The City is seeking to fund in the Superior Court's fiscal year 1987 budget, the following staff to implement a new program dealing with child support enforcement:

2	Hearing Commissioners, CS-15	$ 30,000
3	Support Clerks, CS-7	16,000
2	Accounting Technicians, CS-7	10,000
...	"Start-up" Equipment Items	24,000
7	Totals	$ 80,000

The current status of this program is appropriately identified as "pending legislation."

It has been the Court's practice not to seek resources for a new program until the passage of the legislation establishing that program.

In summary, the City has not supported items requested by the Court amounting to $233,000. The City has sought, through the Superior Court's budget, funding for a new program in the amount of $80,000, which the Court is not seeking at this time. When these two figures are netted, the difference is $-153,000 (and +3 positions).

SENATOR SPECTER:
2. What is the status of the Sentencing Study Commission?

CHIEF JUDGE UGAST:
2. The Superior Court's Felony Sentencing Guidelines Commission has been at work since February 1984 developing felony sentencing guidelines for use by Superior Court judges. The 18-member Commission, appointed by former Chief Judge H. Carl Moultrie I and chaired by Chief Judge Fred B. Ugast, consists of Superior Court judges, the U.S. Attorney for the District of Columbia, the Corporation Counsel, the Court's Executive Officer, local legislators, criminal justice officials and citizens with interest and experience in criminal justice issues.

Since its inception, the full Commission has been meeting monthly and, more recently, twice a month to analyze the key elements underlying felony offenses and to develop corresponding ranges of appropriate sentences. The Commission's six subcommittees have been meeting more frequently. Factors such as offense seriousness ranking, record of prior criminal activity, and mitigating and aggravating circumstances have been taken into account as the Commission and its subcommittees reviewed and examined data pertaining to all felony sentences imposed by the court over a six-month period. At present, guidelines for unarmed, armed and drug offenses have been tentatively adopted by the Commission and principles for departing from these guidelines are being developed. Additionally, the Commission is considering the impact of the guidelines on prison population, alternatives to incarceration and procedures for implementing and administering the guidelines.

It is anticipated that the Board of Judges will review the guidelines in the Fall of 1986 and that a public comment period will follow. Upon adoption of the guidelines by the Board of Judges, a training period will begin with implementation expected in 1987. Guidelines implementation will be closely monitored by the Commission and its staff in order to assess the effectiveness of the guidelines and to modify them, as needed.

COURT SYSTEM

SENATOR SPECTER:
1. Three new positions are requested to process CJA vouchers. How many are currently involved in that activity? What is the cost per voucher processed, how has that changed in recent years.

LARRY POLANSKY:
1. Five employees are currently involved in this activity and have represented the total complement of the office since its inception.

The following table presents the number of vouchers processed fiscal years 1980 through 1985 by this small staff and the cost per voucher.

Fiscal Year	Vouchers Paid	CJA Finance Unit Payroll Costs (Salary & Benefits)	Average Cost Per Voucher Processed
1980	19,292	$ 97,154(Est.)	$5.04
1981	21,043	102,012	4.85
1982	22,700	120,114	5.29
1983*	28,672	128,652	4.49
1984*	29,074	137,665	4.73
1985*	29,461	140,303	4.76

* = Due to the lack of appropriate staffing levels to perform comprehensive fees examinations during these fiscal years, certain fees examination steps had to be suspended in order to attempt to keep pace with the increased volume of claim submissions.

During fiscal year 1986, we expect to pay more than 34,000 claims.

SENATOR SPECTER:
2. Do the estimates for CJA and jury and witness fees appear adequate at this time?

LARRY POLANSKY:
2. With the approval of increases sought in the Courts' fiscal year 1986 supplemental and fiscal year 1987 budgets, adequate funding should be available to meet CJA program and witness and juror fee needs.

SENATOR SPECTER:
3. The Committee has received complaints recently about the time it takes to obtain transcripts. Are delays extraordinary and what is the cause?

LARRY POLANSKY:
3. The production for the Court Reporter Division (reporters, transcribers, and transcribing services) in 1985 was approximately 434,000 pages of transcript. This is almost twice the volume produced five years ago and for most transcript requests results in timely completion.

We do, however, receive complaints. I would estimate two to three per month, which is small when compared to the total volume of work produced in the Division. We have no way of knowing what the substance of the specific complaints is, and would ask for the opportunity to respond directly to the attorney(s) involved.

CONGRESSIONAL WITNESS

STATEMENT OF HON. DON RITTER, U.S. REPRESENTATIVE FROM PENNSYLVANIA

ACCOMPANIED BY:

GEORGE URICH, CUSTOMER SERVICE MANAGER, EVERSON ELECTRIC
PAUL MITCHELL, CONSULTANT, EVERSON ELECTRIC

INTRODUCTION OF WITNESS

Senator SPECTER. Representative Don Ritter has asked for an opportunity to appear before the subcommittee. I have worked with Congressman Ritter for many years, a very distinguished representative from the Lehigh Valley, and a great representative for the entire State and the entire country. We welcome you here, Congressman Ritter, and look forward to your testimony.

STATEMENT OF CONGRESSMAN RITTER

Mr. RITTER. Thank you, Senator, and I would ask permission to be joined by Mr. George Urich from the Lehigh Valley, Customer Service Manager for Everson Electric, and a consultant working with Everson Electric and myself, Mr. Paul Mitchell.

Mr. Chairman, and members of the subcommittee, I am deeply appreciative of the opportunity to appear before you on behalf of my constituents, and your constituents, the people of Everson Electric Co. of Bethlehem, PA.

We seek your assistance in resolving circumstances that have placed a number of jobs in our congressional district in jeopardy, as well as raising important unresolved policy questions regarding the expenditure of Federal funds under the jurisdiction of your subcommittee.

Federal procurement laws and regulations have, in this circumstance, been construed so as to actually impede the involvement of disadvantaged, small, and minority businesses in procurement actions, and to increase the cost to the Government for goods purchased.

NEW YORK CITY TRANSIT AUTHORITY BIDS

In a bid request from New York City Transit Authority in early 1985, Everson was low bidder for the repair of 1,300 General Electric traction motors. They were then notified that they would be declared nonresponsive and would not receive award of one-half the bid, if they did not additionally subcontract 20 percent of their portion of the repair motors to Applied Electric Technologies Corp. [AETC]. It appears the goals had become the requirements.

Coupled with this, they were also low bidder in early 1985 for repair of 1,250 Westinghouse traction motors for New York City Transit Authority.

This contract was also split, with 625 motors being awarded to Everson, and the remaining to the second low bidder. Again, Everson was notified by New York City Transit Authority that an additicnal 20 percent of their portion would have to be given to AETC as a Disadvantaged Business Enterprise [DBE], or they would be declared nonresponsive and would not receive the award.

Again, the requirements instead of goals. These two contracts amounted to about one-third of their annual business growth and it was absolutely necessary that they retain those contracts.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BID

The next occurrence was on a recent competitive bid and award from Westinghouse Electric Corp. for remanufacture of 400 Westinghouse traction motors for the Washington Metropolitan Area Transit Authority [WMATA]. Everson was successfully completing phase I of the remanufacturing program on 400 motors and was low bidder on phase II of the program for 400 additional motors in late 1985. The goal for DBE participation in this contract was 35 percent, and Everson had proposed the use of several DBE firms. AETC was declared nonqualified pending the purchase of necessary equipment, implementation of proper quality procedures, and changes in facility cleanliness.

These items were to be addressed by AETC and worked out with Everson Electric Co. before AETC would be considered a qualified DBE supplier.

CONDITIONS TO BE MET CONTINGENT TO WMATA CONTRACT

On March 11, 1986, AETC met with Everson Electric, but never answered the audit questions, and would not discuss or negotiate the WMATA contract until three conditions were met by Everson Electric Co. AETC, as a potential Disadvantaged Business Enterprise, subcontractor, dictated the following preconditions to negotiation:

One: Everson Electric must extend a $50,000 line of credit to AETC.

Two: Everson Electric must guarantee payment for AETC equipment purchases necessary for AETC to satisfy the audit requirements.

Three: Payment schedule for the New York City Transit Authority contract would have to be revised by Everson Electric to assure earlier payment of invoices from AETC.

This item had nothing to do with the Washington Metropolitan Area Transit Authority contract. Everson considered AETC to be nonresponsive and so notified Westinghouse. Westinghouse then informed Everson that the contract had been taken away because Everson was not contracted with AETC.

CONTRACTS AWARDED TO NEXT LOWEST BIDDER

The next lowest bidder will be expected to use AETC as a DBE, even though the Washington Metropolitan Area Transit Authority may still consider them nonqualified as a supplier. And I repeat that. The next lowest bidder will be expected to use AETC as a DBE.

The third occurrence involves a quotation to Washington Metropolitan Area Transit Authority for the repair for 48 traction motors. Everson was the low bidder at the bid opening on March 5, 1986, and submitted, as required, all of the necessary preaward evaluation data except their Minority Business Enterprise/Disadvantaged Business Enterprise letter of intent.

Everson was certainly qualified, through their performance for WMATA on the 400-motor phase I contract just being completed, and had been complimented on their quality performance by WMATA.

Here again, it was a DBE goal of 30 percent, and Everson had proposed using AETC for that requirement. A letter of intent to participate with Everson was received in TWX form from AETC. Mr. Robert Ramsay, for Arthur Teele. After the bid opening, the second low bidder, Swiger Coil, Inc., filed a protest claiming that Everson was nonresponsive because they did not have the DBE/MBE content nor any letter from AETC, claiming AETC had provided Swiger with such intent. Everson had both.

Mr. Chairman, I understand the Washington Metropolitan Area Transit Authority now intends to award to the next lowest bidder, Swiger Coil, at a higher price.

Therefore, I request review of those matters which I have described today which fall under your jurisdiction. I would encourage participation in such an inquiry not only by your highly regarded Appropriations Committee staff, but also by the General Accounting Office and other appropriate committees of jurisdiction.

We must not allow injustices such as these to occur in the name of helping minority businesses. Mr. Chairman, to do so would damage the reputation and hinder the progress of legitimate minority and disadvantaged businesses everywhere. Thank you, Mr. Chairman. We are prepared to answer questions on this matter.

SUGGESTED SUBCOMMITTEE INVOLVEMENT

Senator SPECTER. Congressman Ritter, specifically, what would you like this subcommittee to do?

Mr. RITTER. Well, for one, I think it would be appropriate for this subcommittee to look further into the facts that we have presented here, verify these facts for the subcommittee itself, and to see if there has been violations of the correct procedures that should be followed in awarding contracts. If so, I would hope that this subcommittee could assist in reversing this situation, and indeed, as we mentioned before, contacting the General Accounting Office to explicitly expose what we consider to be violations of proper procedure.

Senator SPECTER. Well, the facts which you have set forth are troublesome obviously. This is the first time, in the 3½ years that I have been chairman of the subcommittee, that I have had just this sort of a request. But this is the first time that a Congressman from my State, or, from any State, has produced such matters and has made such a request. So, we will very carefully consider it, and take a look at it and be in touch with you as to what we think would be appropriate.

There is some sensitivity, or, let me say, it is a new matter, for me, as to how far the subcommittee should go in looking into such contracts as a matter of oversight, in terms of fundamental line of responsibility, or, as to what that might involve us in if we undertake that. But these are important issues and I want to assure you that I will give it very, very careful consideration, and we will be in touch with you, personally, as to what we think we can do.

Mr. RITTER. I thank you very much for your consideration. I think you hit the nail on the head when you talked about oversight. We support the idea of minority business enterprise and disadvantaged business enterprise getting a part of the overall Federal contracting pie, but I think it has to be done properly.

It has to be done aboveboard. It cannot be done in a way which actually damages the entire program, and, I think what we are looking at here is that kind of damage.

And I think your subcommittee, in terms of your oversight responsibility, also has the same goals.

So, Mr. George Urich, from Bethlehem, PA, might wish to say just a word or two.

Senator SPECTER. We welcome you here, Mr. Urich, and would be pleased to hear from you.

STATEMENT OF GEORGE URICH

Mr. URICH. Thank you for allowing me to address your committee. I would like to take this opportunity to make our position in regards to the MBE/DBE participation in such programs perfectly clear.

We fully intend to give those companies that are qualified and certified as MBE/DBE firms the opportunity to share and participate in those programs with Everson Electric Co.

I feel at this point in time, in our business, that we are faced with a unique situation, in that the firm—and I say firm, singular—that is qualified, is also our competitor. I feel that we have gone beyond what is required to include MBE/DBE participation, in that we have proposed the use of MBE firms that, although they are certified, are not totally qualified to do this type of work.

We have taken the approach that we would supply a firm—and it is a New York firm called Ebenex, Inc., in Binghampton, NY, which is an electromechanical contractor. We would supply to that firm the necessary technical assistance to set them up in our business.

What we would like to see is someone that we can work with; someone we can feel comfortable with; and not be forced into a situation and be led down the road with a gun to your head, so to speak.

SUMMARY REMARKS

Senator SPECTER. Well, I understand the point you are making. The minority businesses need opportunities, the law is plain on that, and I understand your position of willingness to cooperate, and I understand that what you are looking for is a reasonable basis, and let us see what would be appropriate in these circumstances.

It is certainly true that other congressional committees engage in a wide variety of oversight on contractural matters, in a wide variety of contexts. It is just something new, for this chairman, of this subcommittee. And we have the delicacy of home rule in addition, but when Congressman Ritter brings the matter to my attention, you may be assured that it will receive my attention.

Mr. RITTER. Senator, we thank you very much for your giving us this opportunity to testify. We are talking about 30 recent layoffs. We are talking about a 7-hour versus an 8-hour shift in a Lehigh Valley that is suffering from unemployment problems, and, I think, at the margin, we are talking the success or failure of Everson, because it will not take much to go below that level at which their business can continue, or not continue.

As it was pointed out, this area is their growth, or, lack of growth, so it means a lot to all 300 employees of Everson Electric in the Lehigh Valley.

Senator SPECTER. I certainly share your concern, Congressman Ritter, over the success of Everson and the jobs in the Lehigh Valley, and the issue generally, so we will take a close look and get back to you.

Mr. RITTER. Thank you very, very much, Senator.

Senator SPECTER. Very nice to see you this morning.

Mr. URICH. Thank you, sir.

DISTRICT OF COLUMBIA

BOARD OF EDUCATION

STATEMENTS OF:
HON. DAVID HALL, PRESIDENT, D.C. BOARD OF EDUCATION
FLORETTA McKENZIE, SUPERINTENDENT, D.C. PUBLIC SCHOOLS

INTRODUCTION OF WITNESSES

Senator SPECTER. I would like now to call the Honorable David Hall, president of the D.C. Board of Education, and Superintendent Floretta McKenzie.

We welcome you here, President Hall, Superintendent McKenzie. We have worked together over the past many years, and I commend you for the job that you are doing in a tough situation, and look forward to your testimony this morning.

OPENING REMARKS OF PRESIDENT OF BOARD OF EDUCATION

Mr. HALL. Good morning, Senator Specter. I am pleased to appear before you today with Superintendent McKenzie, and, with her, Dr. Patsy Blackshear, Director of the Budget Division for the public school system. Our remarks have been submitted for the record in written form, and I believe, with your concurrence, we will summarize our remarks, and then respond to any questions you may have.

Senator SPECTER. Your statements will be made a part of the record, in full, and to the extent that you can summarize them, we would appreciate it.

Mr. HALL. Thank you. This year, the Board of Education is requesting $393.8 million to support our system of education. These funds are requested after consideration has been taken by the Mayor, and Council, from our original budget request of $396 million.

The social problems that we face this year have led us to work more closely with sister agencies of the government, including the police department, the court system, the U.S. attorney's office, and the Department of Human Services.

I would like to point out that part of our program, in trying to affect the behavior modification of students, hinges upon the U.S. attorney's office providing us with assistance in deterring the kind of criminal activity which could happen in and around a school property. We have received assistance from the U.S. attorney. Not only have we received assurances that crimes committed in and around school property will receive the highest priority in prosecution, but the U.S. attorney's office also is assisting us with a drug awareness program which is currently taking place in many of our secondary schools.

The next area which we have addressed in the last few months is the area of rules. As indicated in my statement, the rules of the Board of Education were drafted during a period when the highest priorities were given to the protection of individual rights.

Those rights must now be balanced against the need for school officers to maintain order and discipline within schools. Any changes in our rules will continue to protect the individual rights, but at the same time will strengthen and empower school officers to remove individuals who are disruptive, and who are not contributing to the orderly process of education.

We have moved to a planning phase which utilizes annual retreats to establish the goals of the school system. At the most recent retreat, members of the Board of Education, together with the superintendent and members of her staff, met to develop a 5-year plan for the school system, which will take us through 1991.

The initiatives which were started by the superintendent of schools in private sector development have gone far beyond our original expectations. To my knowledge our public school system has developed more linkages with the private sector involvement than any other school system. We are very proud of that. We hope that those linkages will continue to develop and provide not only training but employment opportunities for D.C. area youth.

The teacher incentive program continues to move forward, using the original $350,000 which was given by the committee in the past. This program has flourished and I believe the superintendent will touch upon that later in her remarks.

PREPARED STATEMENT

Senator SPECTER. Thank you, Mr. Hall, for summarizing your statement. As I mentioned earlier, your complete statement will be made part of the record.

[The statement follows:]

STATEMENT OF R. DAVID HALL

Good morning, Senator Specter and members of the committee. On behalf of the District of Columbia Board of Education I am pleased to appear before you to testify in support of the fiscal year 1987 budget request for the District of Columbia public schools.

The Board of Education's budget request for fiscal year 1987 is $393.8 million to support our system of education. This figure includes $8 million in pay-as-you-go funds for building improvement and maintenance. Our budget requests for the last few years have been modest ones as we tried to hold down the rising costs of education. But in holding down these costs we have in some ways delayed the rapid development of our school system which could be achieved were the appropriate funding levels to be granted.

This year, as societal problems continue to mount in our city, our system is pressed to find ways to address these problems. It is clear that the school system cannot operate without support from other agencies of the District government including our police department, our juvenile justice system, our court system, the U.S. attorney's office, the Department of Human Services, and the social service agencies which are a part thereof.

We have made significant progress in gaining the support of our police force to assist us in a number of drug crackdowns and investigations of students, and in some cases employees, who may be involved in the illegal sale of drugs. These efforts will continue as we press forward asking our police department for strict surveillance of the school environment and asking the U.S. attorney to prosecute these cases in an expeditious manner. I must point out that the U.S. attorney's office has given us excellent support and has responded not only by providing the prosecution of cases where persons commit crimes in and around school buildings, but also by coming to our schools and assisting us with drug awareness programs.

Drug abuse is one of a number of societal problems with which we are confronted. These problems directly affect the growing problem of discipline within our schools. Our school principals operate under rules and regulations which were developed during an era when the individual rights of persons were given the highest priority. Although we have not completely backed away from that support and respect for individual rights, we must also look to the school environment as a whole and make the necessary changes in our rules which will allow our superintendent and our principals to exercise control over school settings and to maintain order during the course of the school day. The Board of Education is currently discussing this issue, bearing in mind that any rule changes will meet the constitutional test for fairness.

In an effort to establish long-range goals and address the many issues affecting the education of our students in the District of Columbia, the Board of Education has held planning retreats for the past 2 years. In April 1985, the Board focused on the area which it felt was most in need of improvement, our high schools. As a result of the recommendations from that retreat, steps have been taken to increase graduation requirements, raise academic standards, and implement a secondary school improvement plan. During the past year, test results in reading, mathematics, and language skills indicate substantial student progress at the junior and senior high school levels, and elementary school students have continued the recent pattern of scoring above national norms. The school system has initiated programs to sustain the higher achievement levels on the elementary level, and instructional and intervention strategies to accelerate junior and senior high school achievement. A curriculum for a new employability skills program has been developed to prepare secondary school students for a successful transition to the working world. Many new partnerships have been forged with national and local government agencies, as well as businesses, foundations, and associations. The private sector's commitment of time, personnel, and finances to education in this city is virtually unprecedented in the United States.

The January 1986 Board planning retreat focused on the development of a 5-year plan and recommended new initiatives in areas such as early childhood education, writing, mathematics, science, the arts, citizenship education, and alternative education.

As a result of a $350,000 addition to the fiscal year 1984 budget, funded by request of the U.S. Congress, the D.C. school system began work to develop a balanced and comprehensive system which would provide monetary and professional incentives to outstanding teachers. Our budgets for the last 3 years have included money to develop and expand our teacher incentive programs. A number of programs have been initiated to recruit, retrain, and recognize outstanding teachers. Among them are the School Improvement Incentive Award Program, the Department Chairperson Program, and the Teacher/Mentor Program. As we compete with surrounding jurisdictions for the best talent, our goal is to attract and retain excellent teachers. These incentive programs together with a requested teacher salary increase for fiscal year 1986–87 should enable us to make substantial progress toward that goal.

The school system has implemented a 3-year plan to provide full day prekindergarten programs citywide, thereby enabling our very youngest citizens the earliest possible start toward success and achievement in education. A larger portion of the operating budget will be targeted to bilingual education so that those existing bilingual education services which will no longer be funded through Federal grants will receive operating money from the school system's budget.

The additional fiscal year 1986 appropriations for truancy and dropout prevention have allowed the creation of an early intervention dropout prevention program and the opening of two new student attendance centers. The thrust of these initiatives is to address the very serious problem of high risk youth and the societal problems which impact on their ability to function in an academic setting. Realizing that the school system has a responsibility to provide counseling, tutoring, and self-awareness development for our students, we plan to continue to strengthen our efforts in this area.

A substance abuse prevention course has been implemented for all full-time employees. Stringent security measures have been adopted to protect students and employees from would-be assailants. These measures include increased police surveillance, warning signs and instructions for all visitors at school entrances, and workshops on child abuse and crime prevention for parents and school employees.

This year the Board of Education launched a major effort to improve the entire inventory of buildings in our system. For far, far too long, these buildings were left in a state of disrepair. Our request for over $69 million in the capital budget will rectify longstanding problems such as faulty roof repair, lack of roof repair, door and window replacement, electrical modernization, science laboratory modernization, and other essential capital improvements which should be done and need to be done in order to provide an acceptable environment for our students and employees. In addition, the operating budget reflects funds to increase our ability to respond to routine maintenance as required.

In our continuing effort to rebuild confidence and competence in our public system of education we ask for your continuing support in approving our budget request of $393.8 million, and extend to you our thanks for your support. During the more than 6 consecutive years we have received support from the Congress, our system has shown dramatic improvements. We hope these improvements can continue in the future as we tackle problems which appear to be even more intransigent than the problems of yesteryear.

I thank you for the opportunity to testify before you today.

ACCOMPLISHMENTS OF TEACHER INCENTIVE PROGRAM

Senator SPECTER. What have you accomplished with that extra funding?

Dr. MCKENZIE. If I may, Mr. Hall.

Mr. HALL. Go ahead, Dr. McKenzie.

Dr. MCKENZIE. We are very pleased to indicate that we have restructured the entry system for our teachers. First-year teachers in our system are now interns for 1 year, and then that year is followed by 2 years of probation.

They work with a master teacher called a mentor, and during that first year, we can determine whether that person can contribute to the success of the school system. If not, then we can help that person out of the system.

We have also established chairs of departments in our secondary schools, which now serve as very effective instructional counsels for principals. We see a kind of renaissance, or a new kind of enthusiasm in instruction, in those schools which have chairs of departments. We provide training programs for teachers and some incentives for developing new instructional strategies that can be replicated in other teachers' classrooms as well.

Senator SPECTER. Superintendent McKenzie, you have added funds beyond the appropriations which we have put in.

Dr. MCKENZIE. Yes; we have.

Senator SPECTER. How much additional money—the staff advises me that we put $100,000 in, initially, and then $600,000 more for implementing the Mentor Teacher Program and the incentives. And how much more would you say that you have allocated from your existing budget?

Dr. MCKENZIE. This year we will have $1.8 million in that program.

Senator SPECTER. So you have really taken the program and "sprouted wings" with it.

Dr. MCKENZIE. It has been a wonderful improvement for our system, and it has helped to professionalize the teaching cadre. We see it as one of the things that really helped effectuate our desire to improve and accelerate the achievement of students.

OPERATION OF TEACHER INCENTIVE PROGRAM

Senator SPECTER. Tell me exactly how it works. What exactly have you done with it?

Dr. MCKENZIE. The majority of teachers leave teaching within 7 years of entering the teaching profession. Therefore, if we can help them become successful right away, by giving them the support of master teachers, they will stay in the profession longer. This is particularly important inasmuch as the Nation is going to be facing a teacher shortage, which we have already begun to feel.

Senator SPECTER. So it is the association of the new teacher with the master teacher——

Dr. MCKENZIE. Exactly.

Senator SPECTER [continuing]. Which helps develop the new teacher, and that of course has its attendant benefits to the students?

Dr. MCKENZIE. Exactly. And then we recognize a teacher for being an excellent teacher by identifying that teacher as a master teacher.

Senator SPECTER. And that gives additional incentives to the master teacher.

Dr. MCKENZIE. Exactly.

Senator SPECTER. Has your program been copied anywhere?

Dr. MCKENZIE. I think that they are doing some of the same things in Orange County, FL. California also has the Master/Mentor Teacher Program.

Senator SPECTER. Well we will be looking forward to seeing if others emulate your program.

Dr. MCKENZIE. Good.

PREVENTIVE EDUCATION MEASURES

Senator SPECTER. Thank you for the interruption, Mr. Hall. I did not mean to take you far away from your train of thought.

Mr. HALL. That is quite all right. I think a timely question sometimes brings forth more truth than perhaps waiting until the end of the statement when the gem of the thought may be lost. Let me say that the superintendent and the Board of Education have moved toward preventive planning and preventive educational measures. One of those measures is the full program for prekindergarten throughout the city. Our studies have shown that the prekindergarten programs have provided early learning opportunities that prevent problems which may occur later in the educational process.

This planning for prekindergarten, for dropout prevention, truancy prevention, and also for bilingual education is an attempt to solve educational problems before they become correctional problems for our system and our society.

SUBSTANCE ABUSE EDUCATION PROGRAM

The Substance Abuse Program has moved ahead this year. The contracts which were awarded by the Department of Human Services are going to be performed within the school system.

Those contracts will provide for staff training, and will also provide for an opportunity for our students to receive peer counseling.

REPAIR AND MAINTENANCE OF SCHOOL BUILDINGS

This year we launched a major effort to improve and repair school buildings. Our inventory of buildings really had not been brought up to substantial repair standards for over a decade. We felt that this was the appropriate time to begin that kind of initiative. We did receive a favorable response from the City Council and the Mayor. We do have commitments from the Mayor to assist us in the roof replacement program, and in the modernization of science labs, electrical systems, fire alarm systems, and the like. And so the capital budget which will come before this committee, as well as the operating budget, reflect the $8 million in pay-as-you-go capital. It is money which has been added to the school system to make these kinds of repairs. We will work with the pay as you go and with the capital budget to make the more long-term repairs. We feel that we can really begin to make a difference in the way we maintain our school buildings.

I want to thank you for your continuing support in the past, and certainly hope that we can continue to receive it in the future. Thank you.

Senator SPECTER. Thank you, Mr. Hall. Superintendent McKenzie.

OPENING STATEMENT OF SUPERINTENDENT OF SCHOOLS

Dr. MCKENZIE. Yes; thank you very much, Mr. Hall, and, of course, our statements are to provide you with additional information about the fiscal year 1987 budget.

I am going to be very brief and just point out to the Chair, if I may, what that $393.8 million will enable us to do. I think you will note that what we intend to do with the budget will directly impact on the improvement of the performance of students in the classroom. With $393.8 million we will be able to continue our work with our student attendance centers and also hope to encourage dropouts to return to the school system through this vehicle. Moreover, we are going to continue our teacher incentive program as well as provide some salary increases to school system employees.

One of the areas that has caused us great concern has been that we have lacked sufficient money for school materials and textbooks. This budget will provide some reasonable increase for meaningful school materials and textbooks. The president of the board has already mentioned that we will continue to expand our full-day prekindergarten program into 40 additional elementary schools.

Our special education program requires some very particular attention this year. We plan to lower the pupil/teacher ratio in some of those classes, providing additional vocational training for special education students, and moving in an area that has become of national concern, to offer an extended-year program for those special education youngsters who would suffer if their educations were not continued throughout the year.

We are also looking to improve the secondary instructional program through lowering the pupil/teacher ratio in our high school English and mathematics classes. In trying to make sure that our youngsters graduate with the requisite skills in writing, oral expression, and mathematics, we are going to give these areas particular attention.

We will, through this budget, be able to continue bilingual services that were formerly funded through Federal resources and which are so important as our city continues to be impacted by an influx of students requiring the services of our bilingual department. Our board president has spoken very effectively to our needs in building repair. Since some of our buildings are very, very old—built prior to World War II—and because we have not received sufficient funds in previous years, we now are embarking on a crash program to improve the school environment for our students.

So, Mr. Chairman, these are the areas of particular interest that will be impacted by the budget of fiscal year 1987.

We would encourage your support because we have seen improvement in student achievement. Raising graduation requirements did not result in a number of students not performing well, but rather, in an improvement in student achievement, as well as in increased scholarships and job opportunities for our graduates.

PREPARED STATEMENT

Senator SPECTER. Thank you, Dr. McKenzie. Your complete statement will be made part of the record.

[The statement follows:]

STATEMENT OF FLORETTA DUKES MCKENZIE

GOOD MORNING, SENATOR SPECTER AND MEMBERS OF THE COMMITTEE. FOR THE RECORD, I AM FLORETTA DUKES MCKENZIE, SUPERINTENDENT AND CHIEF STATE SCHOOL OFFICER OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS. ONCE AGAIN, IT IS MY PLEASURE TO COME BEFORE YOU TO TESTIFY ON BEHALF OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS AND OUR FY 1987 BUDGET REQUEST.

TODAY, I WILL REVIEW FOR YOU THE HIGHLIGHTS OF OUR BUDGET REQUEST AND EXPLAIN THE REASONS BEHIND OUR AREAS OF INCREASE. BUT FIRST, IF I MAY, I WOULD LIKE TO TALK BRIEFLY OF SOME OF THE PROGRESS THAT THE D.C. PUBLIC SCHOOLS HAS MADE OF LATE AND THEN OF A NUMBER OF CHALLENGES WHICH STILL CONFRONT US.

AS A SCHOOL SYSTEM, WE ARE PROUD OF THE SUCCESS THAT WE HAVE HAD DURING THE PAST FEW YEARS IN A WIDE VARIETY OF AREAS. AGAIN AND AGAIN WE HAVE RAISED OUR STANDARDS AND HAVE BEEN GRATIFIED TO SEE OUR STUDENTS AND STAFF RISE TO MEET THESE NEW CHALLENGES.

AS A RESULT OF INCREASED GRADUATION REQUIREMENTS AND IMPLEMENTING A COMPETENCY-BASED CURRICULUM, WE HAVE EXPERIENCED A STEADY CLIMB IN STUDENT ACHIEVEMENT AND A MARKED GROWTH IN THE NUMBER OF SCHOLARSHIPS AWARDED TO DCPS STUDENTS. AFTER EXPANDING TRAINING OPPORTUNITIES AVAILABLE TO TEACHERS AND ADMINISTRATORS, WE HAVE SEEN A CLEAR IMPROVEMENT IN CLASSROOM MANAGEMENT AND INSTRUCTIONAL SUPERVISION.

WE HAVE MANY TO THANK FOR THESE SUCCESSES: STUDENTS AND PERSONNEL WITH HIGH GOALS AND THE DRIVE AND ENERGY TO ACHIEVE THOSE GOALS; LOCAL BUSINESSES WILLING TO INVEST IN OUR SCHOOL SYSTEM BY WORKING WITH US TO INCREASE CAREER AND HIGHER EDUCATION OPPORTUNITIES FOR DCPS STUDENTS; AND A COMMUNITY COMMITTED ENOUGH TO THE EDUCATION OF ITS YOUNG PEOPLE TO SUPPLY ALMOST 18,000 VOLUNTEERS THIS YEAR. THE U.S. SENATE ALSO DESERVES SOME THE CREDIT FOR OUR ACHIEVEMENTS, AND THE SCHOOL SYSTEM REMAINS DEEPLY GRATEFUL FOR YOUR SUPPORT.

THE ADDITIONAL FY 1986 APPROPRIATIONS TO THE SCHOOL SYSTEM FOR TRUANCY AND DROPOUT PREVENTION HAVE ENABLED US TO OPEN TWO NEW STUDENT ATTENDANCE CENTERS AND TO BEGIN IMPLEMENTATION OF A CAREER-FOCUSED, EARLY INTERVENTION DROP-OUT PREVENTION PILOT PROGRAM AIMED AT ELEMENTARY AND JUNIOR HIGH SCHOOL-AGED CHILDREN. THE TWO NEW ATTENDANCE CENTERS ARE LOCATED IN THE FAR SOUTHEAST AND NORTHWEST AREAS OF THE CITY WHICH, STATISTICS SHOW, HAVE THE HIGHEST NUMBER OF STUDENT TRUANTS AND DROPOUTS. FULLY OPERATIONAL SINCE MARCH, THESE CENTERS HOUSE ATTENDANCE SOCIAL WORKERS, ATTENDANCE COUNSELORS, AND ATTENDANCE AIDES WHO HAVE ALREADY WORKED INDIVIDUALLY AND IN GROUPS WITH OVER 170 STUDENTS REFERRED BY THE POLICE DISTRICTS AND SCHOOLS LOCATED CLOSEST TO THE CENTERS. IN ADDITION, BOTH CENTERS ARE PLANNING SUMMER PROGRAMS FOR CHRONIC TRUANTS.

THESE NEW CENTERS ARE RUN IN CONJUNCTION WITH THE ORIGINAL STUDENT ATTENDANCE CENTER LOCATED IN NORTHEAST WASHINGTON. ESTABLISHED IN MARCH OF 1985, THIS CENTER HAS SERVED MORE THAN 600 STUDENTS SINCE ITS INCEPTION. EVENING APPOINTMENT HOURS AND GROUP SESSIONS HAVE ENABLED PARENTS TO BENEFIT FROM THIS CENTER'S SERVICES AS WELL.

THE EARLY INTERVENTION DROP-OUT PREVENTION PILOT PROGRAM, NOW IN THE PROCESS OF IMPLEMENTATION, WILL INVOLVE BETWEEN FORTY AND FIFTY HIGH RISK DCPS UPPER ELEMENTARY AND JUNIOR HIGH SCHOOL STUDENTS IN A VARIETY OF MOTIVATIONAL ACTIVITIES FOCUSING ON CAREER AWARENESS, PERSONAL MANAGEMENT, SELF-ESTEEM BUILDING, AND TUTORIAL AND MENTORSHIP SUPPORT. PROGRAM PERSONNEL ARE NOW BEING TRAINED, WITH STUDENT INVOLVEMENT SCHEDULED TO BEGIN THIS MONTH.

DESPITE OUR SUCCESSES AND WIDESPREAD SUPPORT, HOWEVER, WE KNOW THAT WE STILL HAVE A LONG WAY TO GO. NOT ALL DCPS STUDENTS GO ON TO EXCEL IN POSTSECONDARY EDUCATION OR CAREERS. NOT ALL YOUNG PEOPLE WHO ENTER OUR SCHOOL SYSTEM EMERGE CAPABLE OF BEING CONTRIBUTING, PRODUCTIVE MEMBERS OF SOCIETY. OUR GOAL IS TO SEE THAT THEY DO, AND WE ARE CONFIDENT OF OUR ABILITY TO ACHIEVE THIS ASPIRATION. STILL, WE KNOW THAT SEVERAL, SUBSTANTIAL BARRIERS, WHICH ARE LARGELY

OUTSIDE OF THE SCHOOL SYSTEM'S CONTROL, STAND BETWEEN US AND THIS GOAL.

DRUG ABUSE CONSTITUTES ONE SUCH BARRIER. TAKING A VERY "HARD-LINE", THREE-PRONGED APPROACH TO THIS PROBLEM, THE SCHOOL SYSTEM HAS COMMITTED ITSELF TO BOTH DRUG ABUSE PREVENTION THROUGH A NUMBER OF INSTRUCTIONAL PROGRAMS AND ALSO TO INTERVENTION MEASURES FOR STUDENTS ALREADY INVOLVED IN THE DRUG CULTURE. OUR PRINCIPALS AND TEACHERS EMPLOY STRINGENT PRACTICES TO KEEP DRUGS OUT OF SCHOOLS, PRACTICES WHICH INCLUDE COOPERATING WITH THE METROPOLITAN POLICE DEPARTMENT IN AN EFFORT TO APPREHEND THOSE STUDENTS WHO PERSIST IN THEIR ATTEMPTS TO BRING DRUGS INTO OUR SCHOOLS.

UNFORTUNATELY, DRUG ABUSE IS NOT THE ONLY BARRIER PRESENTLY STANDING BETWEEN THE DCPS AND ITS ATTEMPTS TO ENSURE SUCCESSFUL INSTRUCTION AND LEARNING. INCREASING POVERTY, HIGH RATES OF EMPLOYMENT--ESPECIALLY AMONG YOUNG PEOPLE, TEEN PREGNANCY AND THE GRADUAL EROSION OF THE TRADITIONAL FAMILY STRUCTURE ARE OTHER FORMIDABLE OBSTACLES CURRENTLY FACING OUR SCHOOL SYSTEM AND MANY SCHOOL DISTRICTS THROUGHOUT THE COUNTRY.

WE DO NOT CITE THESE SOCIETAL PROBLEMS AS EXCUSES. NOR HAVE WE ATTEMPTED TO SHIRK OUR DUTY TO DEAL WITH THESE ISSUES ON THE GROUNDS THAT THEY ARE NOT STRICTLY "ACADEMIC" PROBLEMS. RATHER, IN RECOGNIZING THAT A SIMPLE TRANSMISSION OF FACTS AND FIGURES DOES NOT CONSTITUTE A COMPLETE EDUCATION, THE SCHOOL SYSTEM, WITH THE HELP OF OTHER AGENCIES AND THE COMMUNITY AT LARGE, HAS UNDERTAKEN A NUMBER OF INITIATIVES AIMED AT ADDRESSING THESE ISSUES.

WHILE COMBATTING THESE VERY COMPLEX SOCIETAL PROBLEMS, WE SIMULTANEOUSLY WANT TO "STEP UP THE PACE" OF OUR RECORD OF SUCCESS. SPURRED ON BY THE RECENT RISE IN DCPS STUDENT ACHIEVEMENT, WE ASPIRE TO EVEN MORE PRONOUNCED GAINS OF THIS KIND. TOWARD THAT END, WE HAVE FASHIONED A BUDGET REQUEST WHICH WILL ENABLE US TO MAKE IMPORTANT IMPROVEMENTS IN SEVERAL KEY AREAS, SUCH AS SECONDARY MATH AND ENGLISH INSTRUCTION, COUNSELING SERVICES, AND EARLY CHILDHOOD EDUCATION. I WILL NOW DESCRIBE THIS BUDGET IN MORE DETAIL.

OUR FY 1987 BUDGET REQUEST IS FOR $393.8 MILLION, INCLUDING EIGHT MILLION DOLLARS IN PAY-AS YOU-GO FUNDS FOR SCHOOL BUILDING AND MAINTENANCE WORK. THIS REQUEST INCLUDES THE FUNDS NECESSARY TO PROVIDE CONTINUED SUPPORT FOR ALL THREE OF THE STUDENT ATTENDANCE SERVICE CENTERS, AS WELL AS THE MONIES NEEDED NOT ONLY TO MAINTAIN THE TEACHER INCENTIVE PROGRAM, ANOTHER PROJECT WHICH THE SENATE HAS VERY GENEROUSLY SUPPORTED, BUT ALSO TO EXPAND THIS PROGRAM THROUGH THE ADDITION OF SIX TEACHING POSITIONS TO BE FILLED BY DEPARTMENT CHAIRPERSONS AND TEACHER MENTORS.

ALMOST HALF OF THE REQUESTED INCREASE IS FOR MANDATORY PERSONNEL SERVICES, INCLUDING NEGOTIATED SALARY INCREASES FOR TEACHERS, AND OTHER EMPLOYEES. RAISING TEACHERS' SALARIES IS ESPECIALLY CRUCIAL NOW AS D.C. IS COMPETING WITH SURROUNDING JURISDICTIONS FOR TEACHERS WHO ARE INCREASINGLY IN DEMAND. IN AN EFFORT TO ATTRACT AND KEEP THE BEST TEACHERS, THE DCPS HAS INITIATED A NUMBER OF MEASURES DESIGNED TO RECRUIT, RETRAIN AND APPROPRIATELY RECOGNIZE DESERVING TEACHERS, INCLUDING THE TEACHER/MENTOR PROGRAM MENTIONED ABOVE. WE ARE COUNTING ON SUCH EFFORTS, AS WELL AS THE TEACHER SALARY INCREASES REQUESTED IN THIS BUDGET, TO ENABLE US TO CONTINUE TO ATTRACT AND RETAIN THE HIGH QUALITY INSTRUCTORS WHICH OUR STUDENTS NEED AND DESERVE.

INCREASED RESOURCES ARE ALSO NECESSARY TO COVER THE INFLATIONARY COSTS OF VARIOUS SCHOOL MATERIALS AND TEXTBOOKS. WHILE THE OVERALL NATIONAL RATE OF INFLATION HAS REMAINED RELATIVELY LOW, THE COSTS OF THESE ITEMS, ESSENTIAL TO EFFECTIVE INSTRUCTION, HAVE RISEN SUBSTANTIALLY. THE AVERAGE COST OF A SECONDARY LEVEL TEXTBOOK, FOR EXAMPLE, ROSE FROM $11 TO $15, A 33 PERCENT INCREASE, DURING THE FOUR-YEAR PERIOD FROM 1981 TO 1985.

WITH THE REQUESTED BUDGET INCREASE, THE SCHOOL SYSTEM WILL ALSO BE ABLE TO TAKE THE FOLLOWING MUCH-NEEDED ACTIONS:

- TO CONTINUE EARLY EDUCATIONAL INTERVENTION BY IMPLEMENTING THE SECOND PHASE OF A THREE-YEAR PLAN TO PROVIDE FULL-DAY PRE-KINDERGARTEN PROGRAMS IN FORTY ADDITIONAL DCPS ELEMENTARY SCHOOLS.

- To hire teachers needed for a projected enrollment increase of 600 students.

- To provide a special education vocational program, offer extended-year services for special education students requiring continuous instruction, and address the educational needs of students coming from St. Elizabeths and other institutions.

- To reduce the sizes of special education and secondary math and English classes.

- To decrease the student/counselor ratio at the secondary level.

- To maintain existing bilingual services which will no longer be funded through federal grants.

The Council of the District of Columbia has also designated eight million dollars in pay-as-you-go funds to go for school building maintenance and repair work. The condition of our buildings is a key concern. The current state of disrepair stems partially from a longstanding financial inability to engage in a continuous preventive maintenance and repair program.

During the late 1960's, a peak enrollment period for the DCPS, the School System's capital project priority was erection of the school buildings and additions needed to prevent overcrowding. Later, when school enrollment began to decline in the late 1970's and early 1980's, the School System's priorities shifted to a concern with reducing class size and maintaining existing programs and services.

Now, however, in light of the current stabilized enrollment pattern of the DCPS, we have no excuse for postponing needed repair and maintenance work any longer. Moreover, the need for such work becomes more urgent every day as the advanced age of the School System's buildings and curriculum changes reflecting scientific and technological advancements place greater demands on our structures. For all of these reasons, long-neglected DCPS modernization, UPGRADINGS AND REPAIRS TO OUTDATED FACILITIES MUST BEGIN IN THE VERY NEAR FUTURE.

I HAVE NOW TOUCHED ON SOME OF THE HIGHLIGHTS OF OUR FY 87 BUDGET. I HAVE ALSO INDICATED BOTH SOME OF THE CHALLENGES WHICH THE SCHOOL SYSTEM FACES AND SEVERAL OF OUR PLANS FOR MEETING THOSE CHALLENGES.

IN SUMMARY, WE RECOGNIZE THAT THE OBSTACLES WHICH CONFRONT US ARE FORMIDABLE, BUT SO ARE OUR STRATEGIES AND DETERMINATION TO OVERCOME THESE OBSTACLES. OUR SUCCESS IS NOT TOTAL, BUT THAT FACT ONLY SERVES TO SPUR US ON TO GREATER EFFORTS. TO ACCOMPLISH OUR GOALS, WE NEED A BUDGET WHICH WILL ENABLE US NOT ONLY TO MAINTAIN OUR PRESENT SUCCESSES, BUT ALSO TO ADD SOME FUEL TO OUR MOMENTUM OF PROGRESS. THEREFORE, WE ARE REQUESTING YOUR APPROVAL OF OUR FY 1987 BUDGET REQUEST.

THANK YOU FOR PROVIDING ME WITH THE OPPORTUNITY TO TESTIFY THIS MORNING. I WOULD WELCOME ANY QUESTIONS THAT YOU MIGHT HAVE.

TRUANCY PROGRAM

Senator SPECTER. Superintendent McKenzie, how have the Truancy Program and the Dropout Prevention Program gone?

Dr. McKENZIE. The Truancy Program has provided us with a way of giving support and counseling to students who are chronic truants, or have been chronic truants, and will provide us with an opportunity to follow up with these students.

We have noted already that without our even indicating that dropouts could reenter school through the student attendance centers, this has happened in a natural way. Some students who have dropped out come to the center and ask to reenter the school system.

Senator SPECTER. Superintendent McKenzie, I would like to know, as specifically as you can tell me, what has happened with the $500,000 this subcommittee took the initiative on, on the three centers on truancy.

What results have you had?

Dr. McKENZIE. The truancy centers have provided an opportunity for us to work much more closely with——

Senator SPECTER. Now you have told us about opportunity twice. Give me something more specific. What has it done?

Dr. McKENZIE. OK. We have had 650 students return to school through that center, and we have worked with both their families and with those individual students.

Senator SPECTER. 650 students returned?

Dr. McKENZIE. 650 students.

Senator SPECTER. How many were identified as truants, that the 650 came out of? You must have had a lot more truants than 650.

Dr. McKENZIE. But these were ones that we worked with through the center, and they were returned to us.

Senator SPECTER. So you know how many truants there were, altogether, that you selected these 650 that you worked with?

Dr. McKENZIE. We selected those because——

Senator SPECTER. Can you answer my question? How many truants were there, from which number you selected the 650?

I am trying to get some sort of a statistical base to do an evaluation.

Dr. McKENZIE. There were approximately 3,000 truants, and we worked with 650 through the truancy center.

Senator SPECTER. 3,000 truants over how long a period of time, Superintendent McKenzie?

Dr. McKENZIE. Through the year, we identified 3,000 chronic truants.

Senator SPECTER. How many students do you have, total?

Dr. McKENZIE. We have approximately 88,000 students, total.

Senator SPECTER. 88,000, and of that number you have about 3,000 chronic truants?

Dr. McKENZIE. Yes; 3,000 students that we identify as chronic truants.

Senator SPECTER. And on the 650, you have identified, what has your success ratio been?

Dr. McKENZIE. Of that group, about 80 percent have managed to stay in school after our intervention.

Senator SPECTER. And how about the other 2,350? What happened to them?

Dr. McKENZIE. We have been working with them through our regular attendance offices and our school support programs. The 650 are those who we have worked with intensively through the attendance center.

Senator SPECTER. How much money has been spent on that program? Is $500,000 the accurate figure?

Dr. McKENZIE. We have spent about $1.7 million on this total program that includes an in-school program.

Senator SPECTER. You spent $1.7 million?

Dr. McKENZIE. Our whole effort is not through the attendance center.

DROPOUT PREVENTION PROGRAM

Senator SPECTER. How does the Truancy Program—we have the Dropout Prevention Program, for which we have allocated $150,000. How does the Dropout Prevention Program differ from the Truancy Program?

Dr. McKENZIE. In our Dropout Prevention Program, we isolate a number of characteristics of those who drop out, and if we see these characteristics in some sixth grade and junior high school students, identified because they have either had problems with attendance or have been retained, we intervene. These students have difficulty responding positively to authority and other similar problems.

Senator SPECTER. Well, isn't the problem with the dropout really the same as a truant, just another name for it?

Mr. HALL. If I may, Senator Specter. No; they are different. Let me point out that this program has had one very, very important effect. The calling machines which were installed in the high schools contact parents when a student misses 1 day, and that is not an excused day. I have had parents call my office and say, "I had no idea my child was out of school that day."

What I think this program——

Senator SPECTER. Those are the automatic calling machines?

Mr. HALL. Yes; the calling machines are preventing truancy from occurring, because once the student realizes that missing 1 day of school will mean an automatic call to the parent, the student has to answer to the parent as to where he, or she, was that day. I have had to mediate between parents who wanted to discipline children, perhaps a little bit too severely because of missing that 1 day. But I think what it does is allow parents to help us stop truancy before it becomes a real problem, and that is what I spoke about earlier in terms of prevention.

Now those kids are not reflected here as statistics. We never get those numbers. But we do know that as this program goes through its normal course, the number of truants in our system will continue to drop.

Senator SPECTER. President Hall, and Superintendent McKenzie, I would like to get a specific report on what these two programs have done.

The subcommittee is especially interested in the results of these initiatives, and I would like you to segregate the amount that we appropriated specially from what you have added to the programs, because in taking these initiatives, Representative Dixon had added the Dropout Prevention Program, and this subcommittee had taken the initiative on the Truancy Program, and there is a lot of thought in the Congress that these are the really critical students. The ones who are dropping out, the ones who are truants. And we would like to see what the consequences have been. I would like to get some idea as to what, if I may say, the cost-benefit ratio has been.

Dr. MCKENZIE. Yes; if I may, Mr. Chairman, we are very much excited about the opportunity to intervene before a student drops out, and we feel that working with that older elementary student, as well as the junior high school student, will provide a potentially great benefit for us by helping to lower the truancy and the dropout rate in our system. We will be glad to provide a report on both of those issues.

Senator SPECTER. Well, we would like to see the results. There is some broader legislation which is pending before the Congress, that I am the prime sponsor on. It is a dropout program which has been initiated in conjunction with Mary Futrell, and many others are cosponsoring: Senators Pell, Chafee, and Stafford. So, to the extent that your experience is valuable on what those funds can do, it may provide a model role for application nationally. So if you would provide that information, it might save you from another hearing before the subcommittee.

Thank you very much.

Mr. HALL. Thank you.

SUBMITTED QUESTIONS

Senator SPECTER. We will take your requests under serious consideration. I have some additional questions which I will submit for response for the record.

Dr. MCKENZIE. Thank you.

[The following questions were not asked at the hearing, but were submitted for response for the record:]

QUESTIONS SUBMITTED BY SENATOR SPECTER

DISTRICT OF COLUMBIA PUBLIC SCHOOLS

SENATOR SPECTER:
1. The budget request calls for an increase of $25 million over the 1986 amount. This increase is designated for pay cost and inflationary increases. What other redirections or realignments are planned to carry out the goals and objectives of the schools - identify specific areas of increased activity?

DR. MCKENZIE:
1. The total FY 1987 budget increase in appropriated funds for the District of Columbia Public Schools is $25,806,000, excluding $8,000,000 in pay-as-you-go capital funds. Approximately 65 percent of these funds is required to cover the cost of mandatory salary increases. The salary increases totals $16.7 million. The balance of funds, including $4.0 million in redirected base funds, will be used to fund the following major services:

1. Maintenance of bi-lingual services that are funded through federal resources.
2. Staff increases to maintain existing pupil teacher ratios, based on projected increased enrollment.
3. Staff increases to implement the second phase of a three-year program to phase in full day pre-kindergarten offerings.
4. Inflationary increases for school supplies and materials.
5. Staff increases to improve the following instructional services:
    a. Secondary English and mathematics
    b. Secondary counseling offerings
    c. Special education offerings, and
    d. Military science programs.
6. Increases to improve instructional support through the Teacher Incentive Program, and improve science and mathematics supervision of teachers.

SENATOR SPECTER:
2. How many school buildings will be repaired in fiscal year 1987, what types of repairs are planned?

DR. MCKENZIE:
2. Each of the 179 operating school buildings and 14 other facilities will receive some type of repair during FY 1987.

Repairs to schools will be addressed on two different levels using two funding sources. Appropriated funds will be used to purchase housekeeping and janitorial supplies, provide periodic maintenance and minor repairs to doors, windows, floors, lighting, grounds and mechanical systems. There is also a set-aside allotment for energy, and the removal of solid waste. Capital funds will be used for permanent improvements, with the exception of these schools: Eastern High School, McKinley High School, Coolidge High School, Ellington School of the Arts, Bell Career Center. They will be substantially renovated. The Pre-Vocational Center for the Handicapped is in the construction phase. The capital program targets those schools where there is a need to replace the mechanical systems, door systems, window systems and roofing systems. There is also the need to replace track and field complexes, and to control erosion by erecting retaining walls.

SENATOR SPECTER:
3. How much deferred maintenance exists systemwide - is the 1987 program part of a planned effort to eliminate deferred maintenance, if so please provide a schedule of repairs?

DR. MCKENZIE:
3. Many facilities are outmoded by today's standards as compared to non-existent or inferior standards during the periods when many facilities were built. Modern instruction requires better use of space, better building services, better lighting, accommodations for handicapped, compliance with building codes of the District government and standards set by the Environmental Protection Agency. In the strictest sense, these concerns are outside of pure maintenance. However, if considered together, our deferred maintenance approximates $90 million.

The FY 1987-1992 program of capital repairs has been increased by 67 percent over the previous program in order to eliminate substantially the present backlog of deferred maintenance. The request for FY 1987 capital improvement funds is $69,923,000. The schedule of repairs for this budget is as follows:

General Improvements - Programmed Equipment and Surface Restoration to Elementary Schools

Adams
Aiton
Amidon
Bancroft
Barnard
Beers
Benning
Birney
Blow-Pierce
Bowen
Brent
Brightwood
Brookland
Bruce-Monroe
Bryan
Bunker Hill
Burroughs
Burrville
Carver
Clark
Cleveland
Cook, J.F.
Cooke, H.D.
Davis
Drew
Draper
Emery
Evans
Fort Lincoln
Gage-Eckington
Garfield
Garrison
Gibbs
Giddings
Goding
Green
Harris
Harrison
Hearst
Hendley
Houston
Hyde
Janney
Keene
Kenilworth
Ketcham
Key
King, M.L.
Kingsman
Kimball
Lafayette
Langdon
Langston
LaSalle
Leckie
Lewis
Lovejoy
Ludlow-Taylor
Malcolm X
Maury
McGogney
Merritt
Meyer
Miner
Montgomery
Moten
Nalle
Noyes
Orr
Payne
Peabody
Petworth
Powell
Plummer
Randle Highlands
Raymond
Reed
Richardson
River Terrace
Rudolph
Savoy
Seaton
Shadd
Shaed
Shepherd
Simon
Slater
Slowe
Smothers
Stanton
Stoddert
Syphax
Takoma

General Improvements - Programmed Equipment and Surface Restoration to Elementary Schools
(Continued)

Terrell ES
Thomas
Thomson
Truesdell
Tubman
Turner
Tyler
Van Ness
Walker-Jones
Washington Highland
Watkins
Weatherless
Webb
West
Wheatley
Whittier
Wilkinson
Wilson, J.O.
Winston
Woodridge
Young

Erosion Control

Bancroft Elementary
Fletcher-Johnson Educational Center
McGogney Elementry
Oyster Elementary
Raymond Elementary
Terrell Junior High

Architectural Barriers

Dunbar Senior High
Eaton Elementary
Fort Lincoln Elementary
Friendship Elementary
Shaw Junior High

Air Conditioning Replacements

Beers Elementary
Blow Elementary
Brent Elementary
Clark Elementary
Emery Elementary
Gibbs Elementary
McGogney Elementary
Roper Junior High
Savoy Elementary
Shaw Junior High

Room Conversions

Schools	Number of Rooms	Type of Rooms
Spingarn Senior High	1	Music
Cardozo Senior High	1	Music
Wilson Senior High	2	Music
Garnet-Patterson Junior High	2	Science
Paul Junior High	2	Science
Francis Junior High	2	Science
Backus Junior High	2	Science
Douglass Junior High	2	Science
Eliot Junior High	2	Science
Jefferson Junior High	2	Science

Electrical Modernizations

Deal Junior High
Gordon Adult Education Center
Kramer Junior High
Paul Junior High
Stanton Elementary
Taft Junior High
Terrell Junior High
Woodson Junior High

Door Replacements

Year		Number of Doors to be Replaced	
FY 1987	School	Interior	Exterior
	Bancroft Elementary		10
	Barnard Elementary		20
	Brightwood Elementary		20
	Congress Heights		16
	Davis Elementary		20
	Deal Junior High		14
	Eliot Junior High		30
	Fillmore Elementary		10
	Francis Junior High		22
	Garfield Elementary		11
	Garnet-Patterson		35
	Gordon Adult Education Center		20
	Green Elementary		20
	Hamilton Junior High	150	30
	Harris Elementary		10
	Hart Junior High		30
	Hendley Elementary		12
	Houston Elementary		12
	Hyde Elementray		10
	Lincoln Junior High	155	35
	Jackson Elementary		10
	Keene Elementary		20
	Kingsman Elementary		10
	Kramer Junior High		30
	Oyster Elementary	100	
	Sousa Junior High	150	
	Stuart Junior High	148	28

Window Replacements

School	Number of Windows
Adams Elementary	400
Armstrong Elementary	200
Bancroft Elementry	600
Bryan Elementary	110
Bunker Hill Elementary	100
Burroughs Elementary	100
Cook, J.F. Elementary	200
Cooke, H.D. Elementary	200
Davis Elementary	200
Deal Junior High	400
Eliot Junior HIGH	211
Fillmore Art Center	100
Francis Junior High	153
Franklin Adult Education Center	100
Garfield Elementary	147
Gordon Adult Education Center	150
Harrison Elementary	100
Jackson Elementary	75
Keene Elementary	100
Key Elementary	100
Kramer Junior High	420
Langdon Elementary	100
Langston Elementary	50
Logan Elementary	100
Maury Elementary	75
Murch Elementary	75
Patterson Elementary	100
Paul Junior High	120
Peabody Elementary	75
Oyster Elementary	40
Randle Highlands Elementary	84
Raymond Elementary	50
Roosevelt Senior High	700
Rudolph Elementary	75
Shadd Elementary	70
Shepherd Elementary	100
Slater Elementary	50
Slowe Elementary	75
Spingarn Senior High	500
Stuart Junior High	280
Taft Junior High	410
Terrell Junior High	300
Thomas Elementary	96
Truesdell Elementary	132
Turner Elementary	150
Wheatley Elementary	200
Whittier Elementary	120
Wilson Senior High	400
Woodson Junior High	400

Boiler Replacements

Year FY 1987	School	Number of Boilers
	Bryan Elementary	2
	Langdon Elementary	2
	Lenox Annex	2
	McKinley Senior High	3
	Taft Junior High	3
	Wheatley Elementary	2
	Woodson Junior High	2

Roof Replacements

School	Roof Type	Square Footage
Anacostia Senior High	Built-up	80,000
Barnard Elementary	Built-up	12,000
Beers Elementary	Built-up	20,000
Bowen Elementary	Built-up	10,000
Brent Elementary	Built-up	20,000
Brightwood Elementary	Built-up	10,000
Buchanan Elementary	Built-up	20,000
Burdick Career Center	Built-up	20,000
Chamberlain Career Center	Built-up	30,000
Clark Elementary	Built-up	10,000
Cook, J.F. Elementary	Built-up	10,000
Coolidge Senior High	Built-up	40,000
Congress Heights Elementary	Built-up	20,000
Draper Elementary	Built-up	30,000
Drew Elementary	Built-up	10,000
Evans Junior High	Built-up	50,000
Gibbs Elementary	Built-up	20,000
Hamilton Junior High	Built-up	50,000
Harris Elementary	Built-up	20,000
Hine Junior High	Built-up	50,000
Johnson Junior High	Built-up	50,000
Kelly-Miller Elementary	Built-up	40,000
Kimball Elementary	Built-up	15,000
MacFarland Junior High	Built-up	6,000
McGogney Elementary	Built-up	25,000
Powell Elementary	Built-up	20,000
Richardson Elementary	Built-up	36,000
Roper Junior High	Built-up	50,000
Shadd Elementary	Built-up	15,000
Shepherd Elementary	Built-up	20,000
Simon Elementary	Built-up	20,000
Thomson Elementary	Built-up	50,000

Asbestos Abatement

Elementary Schools

Adams
Bryan
Edmonds
Gage-Eckington
King
Lewis
Ludlow-Taylor
McGogney
Montgomery
Nalle
Payne
Powell
River Terrace
Seaton
Simon
Stanton
Terrell
Tyler
Watkins
Woodridge

Amidon
Bunker-Hill
Fillmore
Gibbs
Kingsman
Logan
Mann
Meyer
Moten
Oyster
Peabody
Raymond
Rudolph
Shadd
Slowe
Steven
Thomson
VanNess
Weatherless
Young

Bruce-Monroe
Burrville
Fletcher-Johnson
Hearst
Leckie
Lovejoy
Maury
Miner
Murch
Patterson
Petworth
Richardson
Savoy
Shaed
Smothers
Stoddert
Truesdell
Walker-Jones
Webb

Junior High Schools

Francis
Lincoln
Paul
Sousa

Hine
MacFarland
Rabaut
Terrell

Langley
Miller
Roper
Woodson

Senior High Schools

Roosevelt

Woodson

Other Facilities

Food Services
P.S. Warehouse

Harbor Garage (old)
Webster

Mamie D. Lee
Wormley

SENATOR SPECTER: 4. How many school buildings operate at less than capacity, provide a list of buildings and percentage used for school purposes? Is there a plan to close under utilized buildings, how many will be closed in 1987?

DR. MCKENZIE: 4. Of the 160 buildings for which enrollment occupancy statistics are calculated, only 16 buildings are operating at 100% of capacity or better. An additional 47 buildings are operating between 70% and 99% of capacity which is considered reasonable occupancy. Although the remaining 97 buildings have capacity levels below the 70% occupancy rate, it should be noted that other uses of school space through use agreements or for administrative offices reduce the available space. To date, these uses are not reflected in enrollment occupancy statistics.

Criteria have recently been established for the review and updating of building capacity figures to reflect renovations and current facility standards. Statistical terminology is also being developed to show building occupancy as well as enrollment occupancy in order to reflect all uses of school capacity space.

There are no plans to close any underutilized buildings during 1987, although there is a planning proposal to convert an underutilized junior high school to a middle school. A major factor in not closing underutilized buildings are the many uses of school spaces by the community through various use agreements.

SY 1985-86 Enrollment Statistics
By Category

Elementary Schools	Enrollment	Capacity	% Occupancy
Carver	162	573	28 %
Reed	340	1,119	30 %
Payne	245	757	32 %
Bryan	214	563	38 %
Woodridge	164	434	38 %
Langdon	371	955	39 %
Bruce-Monroe	458	1,132	40 %
Plummer	324	793	41 %
Aiton	301	710	42 %
Syphax	244	584	42 %
Goding	278	644	43 %
Weatherless	373	864	43 %
Miner	309	696	44 %
Gibbs	346	747	46 %
Merritt	329	716	46 %
Moten	540	1,182	46 %
Richardson	311	675	46 %
Tyler	375	816	46 %
Wilson, J.O.	443	938	47 %
Kenilworth	318	668	48 %
Maury	194	396	49 %
Bunker Hill	402	805	50 %
Giddings	234	464	50 %

Elementary Schools	Enrollment	Capacity	% Occupancy
Houston	340	686	50 %
Takoma	531	1,052	50 %
Cook	207	409	51 %
Truesdell	416	810	51 %
Barnard	353	682	52 %
Brookland	464	896	52 %
*Friendship	1,416	2,730	52 %
Garrison	404	772	52 %
Seaton	373	716	52 %
Clark	303	573	53 %
Gage-Eckington	381	724	53 %
Malcolm X	631	1,180	53 %
Slowe	314	588	53 %
Terrell, M.C.	595	1,124	53 %
Winston	634	1,190	53 %
Bowen	341	636	54 %
Burroughs	403	746	54 %
Van Ness	319	586	54 %
Drew	426	775	55 %
Nalle	438	798	55 %
Savoy	407	730	56 %
Shaed	443	788	56 %
Benning	353	616	57 %
Fort Lincoln	431	752	57 %
Thomas	512	894	57 %
Webb	638	1,110	57 %
Cleveland	218	375	58 %
Lafayette	457	790	58 %
LaSalle	427	734	58 %
Janney	263	444	59 %
Keene	293	494	59 %
Davis	502	836	60 %
Harrison	218	364	60 %
Rudolph	470	789	60 %
Petworth	238	392	61 %
Walker-Jones	571	932	61 %
Birney	577	925	62 %
Powell	255	408	63 %
Blow/Pierce	477	744	64 %
Ludlow-Taylor	396	620	64 %
Whittier	466	724	64 %
Kingsman	346	536	65 %
Lewis	317	490	65 %
Park View	483	744	65 %
Montgomery	543	817	66 %
Washington Highland	622	939	66 %
Wheatley	541	816	66 %
Emery	496	744	67 %
Harris	470	693	68 %

*Elementary/Junior High School.

Elementary Schools	Enrollment	Capacity	% Occupancy
Langston	132	194	68 %
River Terrace	296	426	69 %
Young	512	737	69 %
*Fletcher-Johnson	1,336	1,916	70 %
Leckie	552	792	70 %
Raymond	531	758	70 %
Tubman	502	716	70 %
Patterson	501	703	71 %
King, M.L.	569	792	72 %
Key	158	218	72 %
Shadd	578	798	72 %
Beers	538	738	73 %
Noyes	392	532	74 %
Smothers	292	394	74 %
Murch	363	483	75 %
Turner	623	826	75 %
Burrville	327	433	76 %
Watkins	648	846	77 %
Wilkinson	594	772	77 %
Adams	365	468	78 %
Amidon	452	578	78 %
McGogney	589	751	78 %
Orr	593	758	78 %
Thomson	327	420	78 %
Kimball	632	793	80 %
Hyde	157	192	82 %
Simon	556	675	82 %
West	531	648	82 %
Shepherd	400	484	83 %
Stoddert	180	218	83 %
Hendley	632	751	84 %
Hardy	206	242	85 %
Hearst	190	218	87 %
Brent	301	341	88 %
Meyer	647	730	89 %
Garfield	502	545	92 %
Green	727	771	94 %
Mann	206	218	94 %
Draper	620	651	95 %
Brightwood	481	484	99 %
Cooke	610	617	99 %
Ketcham	689	698	99 %
Stanton	527	534	99 %
Bancroft	699	702	100 %
Stevens	344	338	102 %
Eaton	399	386	103 %
Ross	202	194	104 %
Peabody	289	266	109 %
Oyster	316	240	132 %
Randle Highlands	519	394	132 %

*Elementary/Junior High School

Junior High Schools	Enrollment	Capacity	% Occupancy
Hamilton	408	1,184	34 %
Roper	475	1,187	40 %
Stuart	260	649	40 %
Taft	497	1,116	45 %
Douglass	362	756	48 %
Backus	372	731	51 %
Browne	665	1,235	54 %
Rabaut	647	1,202	54 %
MacFarland	429	778	55 %
Terrell	414	746	55 %
Garnet-Patterson	282	507	56 %
Kramer	434	758	57 %
Eliot	537	914	59 %
Evans	416	706	59 %
Johnson	772	1,257	61 %
Lincoln	770	1,257	61 %
Woodson, C.G.	542	886	61 %
Miller	543	878	62 %
Sousa	518	819	63 %
Paul	626	903	69 %
Langley	548	719	76 %
Hart	975	1,175	83 %
Deal	949	1,021	93 %
Hine	631	659	96 %
Shaw	1,215	1,215	100 %
Francis	765	619	124 %
Jefferson	799	524	152 %
Senior High Schools			
Ellington	393	n/a	n/a
Grant (School Without Walls)	265	n/a	n/a
Banneker	422	683	62 %
Cardozo	977	1,431	68 %
Spingarn	1,142	1,309	87 %
Ballou	1,866	2,044	91 %
Eastern	1,696	1,847	92 %
McKinley	1,427	1,478	97 %
Woodson, H.D.	1,624	1,599	102 %
Anacostia	1,452	1,342	108 %
Roosevelt	1,365	1,254	109 %
Dunbar	1,758	1,566	112 %
Coolidge	1,426	1,188	120 %
Wilson	1,771	1,406	126 %

SENATOR SPECTER:
5. In 1986 the Congress included $650,000 for truancy programs, are these funds included in the 1987 request and at what level?

DR. MCKENZIE:
5. THE FY 1986 Congressional increase in appropriation for the District of Columbia Public Schools was allotted in the following manner. A total of $500,000 was provided for truancy prevention in order to establish two additional attendance centers. The balance of $150,000 was provided to develop a plan to prevent student drop out.

In light of the original intent for the use of these funds, the $500,000 for the attendance center remains in the FY 1987 budget; whereas the amount to develop the drop-out prevention plan was eliminated.

SENATOR SPECTER:
6. The sum of $8 million is included for Pay-as-you-go capital projects, with anticipated revenue from a proposed tax amnesty plan. What type of work is planned and how will the work be funded should the plan not be enacted?

DR. MCKENZIE:
6. The planned use of these funds would address the following activities:

Paint interior and exterior of buildings;
Repair, correct and maintain heating, cooling and ventilation units;
Repair and maintain playground surface, driveways and parking areas;
Correct erosion;
Repair and erect fences;
Repair and maintain swimming pools;
Remove graffiti;
Repair and maintain interior and exterior lighting;
Repair and maintain P.A. systems, clocks and bells, fire alarm systems;
Repair or replace plumbing fixtures;
Repair bleachers and stadium seating;
Repair and maintain running tracks;
Maintain and install security alarm systems;
Maintain interior and exterior doors;
Maintain roofs, gutters, drains and downspouts;
New interior designs and special classrooms;

Should the tax amnesty plan fail, D.C. Public Schools would have to rely on its allocation of appropriated funds.

SUBCOMMITTEE RECESS

Senator SPECTER. That concludes our hearing. The subcommittee will recess subject to the call of the Chair.

[Whereupon, at 11:06 a.m., Wednesday, June 11, the subcommittee was recessed, to reconvene at 9:30 a.m., Thursday, July 24.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1987

THURSDAY, JULY 24, 1986

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 9:33 a.m., in room SD–138, Dirksen Senate Office Building, Hon. Arlen Specter (chairman) presiding.

Present: Senators Specter, Lautenberg, and Mattingly.

PANEL I—CONGRESSIONAL AND DEPARTMENTAL WITNESSES

STATEMENTS OF:

HON. MICHAEL BARNES, U.S. REPRESENTATIVE FROM MARYLAND
HON. FRANK WOLF, U.S. REPRESENTATIVE FROM VIRGINIA
DIANE K. STEED, ADMINISTRATOR, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

ACCOMPANIED BY GEORGE REAGLE, ASSOCIATE ADMINISTRATOR FOR TRAFFIC SAFETY PROGRAMS, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPENING REMARKS

Senator SPECTER. The District of Columbia Subcommittee of the Committee on Appropriations will come to order.

The subcommittee will consider today the proposal to raise the minimum age for serving alcoholic beverages to the age of 21. I want to commend my colleague, Senator Lautenberg, the ranking member of this subcommittee, for his leadership on this effort nationally.

The issue raises very important considerations of public safety. There has been a determination by the Congress of the United States that certain Federal funding should be conditioned on States raising their legal drinking age to 21.

The statistics are overwhelming about the fatalities and injuries on the highways of this country from drunken driving, and a very high incidence of that drunken driving is in the age span of 18 to 21.

The failure of the District of Columbia to raise the legal drinking age to 21 causes a unique problem in the area with the borders of Maryland and Virginia, where teenagers come to this jurisdiction to drink.

So it is the hope of this subcommittee and this chairman that we will see the legal age raised from 18 to 21 in the District of Columbia.

We will proceed at this time. We have a distinguished panel: Congressmen Frank Wolf, Michael Barnes, Steny Hoyer, and Stan Parris.

At this time, we have Congressman Barnes and Congressman Wolf. If you gentlemen will step forward, we will hear you at this time.

PREPARED STATEMENT

Senator MATTINGLY. Mr. Chairman, before you begin, I would just like to enter my statement for the record.

Senator SPECTER. We would be pleased to do that, Senator Mattingly, without objection.

[The statement follows:]

STATEMENT OF SENATOR MACK MATTINGLY

Mr. Chairman, I commend you for convening the hearing today on this important issue. I also commend my colleague from New Jersey for his consistent interest and leadership on the matter of the 21-year minimum drinking age.

When the Senate considered the issue in 1984 in relation to Public Law 98-363, I reviewed page after page of statistics on the subject. Several of them were astounding, so much so that they stuck with me. I want to mention them again this morning. The first is this—some say that an average of 14 teenagers die each day in drunk driving accidents. The other is the fact that teenagers are involved in 15 percent of all fatal alcohol-related accidents, while they comprise only 8 percent of the population and drive only 6 percent of all highway miles. I believed in 1984, as I do today, that those numbers speak volumes.

In my view, the issue of the 21-year minimum drinking age is primarily a public safety one. Those of us in leadership positions—in Congress, in State legislatures, on the District Council, in elective offices throughout the land—are responsible to our constituents for promoting safe streets and highways. Forty-three States have adopted 21-year drinking age statutes, many of them like my home State of Georgia, and Maryland and Virginia, since the enactment of Public Law 98-363.

I was pleased to read yesterday that an advisory panel to Mayor Barry has recommended that he support raising the drinking age in Washington to 21—and that the panel had cited the saving of lives and avoidance of injuries as the primary reason for the recommendation. I am equally encouraged by Mayor Barry's own announcement of support for the 21-year minimum drinking age. I regret he was so long in coming to this point.

It is certainly my hope that the D.C. Council will consider and approve such a proposal expeditiously. Should it fail to do so, as it has in the past, after a reasonable time it is likely that the Congress may be forced to consider the issue.

DRINKING AGE REQUIREMENT INVOKED IN 43 STATES

Senator MATTINGLY. Since the Senate considered Public Law 98-363, we have seen 43 States out of 50 that have now invoked the drinking age requirement of 21 years of age, and my own State of Georgia is among these. We are heading in the right direction.

Senator SPECTER. Was not your State the first State to lower the age for voting to 18?

Senator MATTINGLY. Probably so.

Senator SPECTER. It is definitely so. That was the national high school debating topic in 1945. Georgia led the way, with Ellis Arnell, the Governor.

Senator MATTINGLY. You are older than I am. [Laughter.]

Senator SPECTER. I have a better array of history books than you do, Senator Mattingly.

Senator MATTINGLY. That is right. In Pennsylvania, you need a lot of history.

Senator LAUTENBERG. Do you need a judge for this debate?

Senator MATTINGLY. No.

Senator SPECTER. If so, where would we find one?

Senator MATTINGLY. They do not use judges in Pennsylvania.

I commend you for holding this hearing. I am just sorry that it has taken the District of Columbia so long to recognize what needs to be done and what is happening in the other States across the United States.

Senator SPECTER. We have been joined by the distinguished ranking member, Senator Lautenberg.

Prior to your arrival, Senator Lautenberg, I had acknowledged your leadership on this important issue and commended you for that leadership and commended you for taking the initiative on this hearing. I would yield to you at this time.

Senator Lautenberg and I had worked out the arrangements in advance. I have conflicting commitments today, but Senator Lautenberg will proceed to chair the hearing. So I hand the gavel to you at this time, Senator.

OPENING REMARKS OF SENATOR LAUTENBERG

Senator LAUTENBERG [presiding]. Thank you, Mr. Chairman. Thank you for acknowledging the role that the staff of the Lautenberg office and this Senator had in establishing a uniform drinking age. It was a very important agenda item for us.

Today's hearing, as my distinguished colleagues from the House know, focuses on the minimum drinking age in this, our Nation's Capital. It is the only city on the eastern seaboard that does not have a 21-year-old minimum drinking age law in effect.

Only two States in the whole country and the District continue to sell alcoholic beverages to 18-year-olds. Over the last several weeks, the eyes of the Nation have been focused on this area because it was here that a great tragedy occurred recently.

Len Bias, an outstanding college basketball player drafted to play with the world champion Celtics, died due to the use of drugs. In the next 20 minutes, someone else in our country will die because of another drug; that drug is alcohol.

Alcohol did not kill Len Bias; we know that cocaine apparently did. But the first recreational drug that our young people ingest is usually not cocaine, but alcohol. Alcohol is the first door our young people pass through as they enter the world of addiction and drugs.

Not all of them, thankfully, go on to harder materials, but many of them do, and today we are going to discuss the need to keep that door closed. Our focus is on the deadly combination of drinking and driving.

DISTRICT'S LEGAL MINIMUM DRINKING AGE

In 1985, the D.C. City Council Subcommittee on Consumer and Regulatory Affairs voted four to one to reject an increase in the District's legal minimum drinking age. This vote came after passage and enactment of a Federal law which I authored, to withhold Federal highway assistance from those States which failed to raise their legal drinking age to 21.

In June 1984 when we passed the Federal law, 23 States had 21 as their legal minimum drinking age. Today, 43 States have adopted 21. According to the National Highway Traffic Safety Administration, the increase in drinking age is leading to a 13-percent reduction of fatalities resulting from drunk driving by our young people. In short, the 21 law does work.

On September 9, 1985, this subcommittee reported the District of Columbia appropriations bill for fiscal year 1986. In the report accompanying the bill, the subcommittee strongly urged immediate action by the District to raise its drinking age to 21, as have the States of Maryland and Virginia.

While our words have not fallen on deaf ears, they have yet to be heard by all those who need to hear them. Washington, DC, cannot continue to be a mecca for underage drinking in this region of our country. It should not be the national saloon. It is the National Capital.

I commend Mayor Barry for recommending to the District City Council an increase in the minimum drinking age to 21. Experience across the country has shown that strong executive leadership is essential to passage of "21" laws, and we have seen the political courage of people like Governor Cuomo in New York and Governor Kunin in Vermont that has led to the passage of "21" laws, and legislators long buffeted by special interests and a lot of resistance to change.

LOSING FEDERAL HIGHWAY ASSISTANCE

The Mayor deserves public recognition for his position on 21. However, the recalcitrance of the City Council in this matter is of concern to the Congress. Under the Federal statute, which is now a permanent part of Federal law, the District has until October 1, 1986, to pass a 21 law or lose $2.5 million in Federal highway assistance.

If no action is taken by October 1, 1987, the District will lose $5.2 million for that and subsequent fiscal years. Now, I am concerned about the forfeiture of such funding not only as a member of this subcommittee, but as a member of the Subcommittee of Appropriations on Transportation.

We are not here today discussing States' rights or home rule. We are discussing a serious matter of public safety. I want to point out that I am not singling out the District of Columbia for sanctions that are different in any way than any other State. I will treat the District just like any other State under the law.

However, in these difficult budget times, I am willing to take a hard look at any discretionary spending in transportation for the District if, as a jurisdiction, it concludes that it can afford to forfeit Federal highway funds to maintain its less than 21 drinking age.

LETTER FROM ATTORNEY GENERAL OF VIRGINIA

We have a letter from the Attorney General of Virginia to the chairman of this subcommittee which we will insert in the record at this time.

[The letter follows:]

LETTER FROM MARY SUE TERRY, ATTORNEY GENERAL OF VIRGINIA

JULY 24, 1986.

Re: Subcommittee Hearing on the Minimum Drinking Age in the District of Columbia

Hon. ARLEN SPECTER,
Chairman, Subcommittee on the District of Columbia, Dirksen Senate Building, Washington, DC.

DEAR SENATOR SPECTER: As the attorney general of the Commonwealth of Virginia, I am deeply concerned about the laws protecting the health and safety of the citizens of Virginia. In the past, I have strongly supported efforts to prevent alcohol abuse and drunk driving by the youth of our Commonwealth. Unfortunately, our efforts to curb this growing problem are being hindered by the current minimum drinking age in the District of Columbia.

Many of Virginia's young people travel to the District to take advantage of the lower drinking age. As a result, they are all too frequently exposed to possible alcohol abuse and the often tragic results of drunk driving. As a consequence of this dilemma, I urge you and the other members of the Senate Subcommittee on the District of Columbia to initiate congressional action that will address the dangerous and life-threatening situation caused by the disparity in the minimum drinking age between Virginia and the District of Columbia.

In 1984, Congress took action to alleviate the interstate problems created by the wide variety of State minimum drinking age laws. These different minimum ages created strong incentives for our youth to drink and drive. Commuting to bordering States with a lower age limit was commonplace and the drive home often resulted in tragedy. The problem was sufficiently serious in scope that, according to congressional testimony, the borders between such States often were referred to as "Blood Borders." In order to combat this problem, Congress enacted the 1984 National Minimum Drinking Age Law.

In serving the citizens of this Commonwealth, both as a former prosecutor and as a member of Virginia's General Assembly, I have consistently advocated the significant strengthening of our drunk driving laws. In 1985, I sponsored legislation that raised Virginia's drinking age to 21, the national minimum. Today, the goal of a uniform national minimum drinking age has nearly been reached. Although it represents only one aspect of controlling alcohol abuse and drunk driving, it is a significant advancement.

When Virginia raised its drinking age to the national minimum of 21, an unfortunate and potentially dangerous problem was created for Virginia by the failure of the District of Columbia to adopt the Federal minimum age. The resulting difference in the minimum drinking age is a temptation for young persons in Virginia which is difficult to resist. The lower drinking age in the District of Columbia acts as a magnet to the youth in Virginia. There is a real danger to those young persons themselves and to others using our highways caused by young drivers returning to the Commonwealth while intoxicated. In addition, retail outlets in the District serve as potential supply points for college students and other young persons who buy beer and wine and illegally transport it into Virginia. In short, the difference in the minimum drinking age creates a number of serious law enforcement problems in the Commonwealth, all alcohol related.

As an additional consequence of the District of Columbia's failure to adopt the national minimum drinking age established by Congress, certain military installations located in Virginia have been forced to lower their on-post drinking age limits to keep young service personnel from traveling to the District. As I am certain you know, the armed forces of the United States have experienced their share of alcohol-related problems involving young service personnel. In November 1985, Congress took action to insure that military installations would maintain the same age limits as the States in which they were located, but it permitted an exception for military bases within 50 miles of the District of Columbia, which only created additional problems for Virginia. The highly publicized case of *Corrigan* v. *United States*, which involved an intoxicated 19-year-old serviceman who was leaving the Arlington Hall NCO Club in Virginia, provides a constant reminder of the problems faced by both the Armed Forces and Virginia. As you may recall, this tragic accident claimed one life and left another victim permanently incapacitated.

As an inducement to the States to adopt a national minimum drinking age, the National Minimum Drinking Age Law provides for the withholding of Federal highway funds from those States which do not adopt the national minimum age of 21. I am certain that this subcommittee can devise a similar creative approach, through inducements or incentives, to stimulate compliance with the clear intent of Congress and include the District of Columbia among those jurisdictions which have adopted age 21 as their minimum drinking age.

The importance of eliminating the disparity in the minimum drinking age between Virginia and the District of Columbia cannot be overemphasized. The Congressional Record contains a letter, dated June 26, 1984, from Mrs. Candy Lightner, the founder of Mothers Against Drink Drivers, which was submitted in support of adopting the National Minimum Drinking Age Law. The letter, addressed to Senator Frank R. Lautenberg, contains a thought provoking quotation from the Talmud: ". . . he who saves a single life saves the world entire."

Virginia and most other States have agreed with Congress that a uniform 21-year-old limit eliminates the so-called "blood borders" shared by areas with differing legal drinking ages. I hope this committee will finally complete the good work that the Congress began in this vital area by bringing the District of Columbia into line with the rest of the Nation.

In my opinion, the loss of a single life on the highways of Virginia resulting from the disparity in the minimum drinking age between the District of Columbia and Commonwealth of Virginia is one too many. The problem must be corrected. I urge you to take immediate action.

With kindest regards, I am

Sincerely yours,

MARY SUE TERRY.

STATEMENT OF REPRESENTATIVE BARNES

Senator LAUTENBERG. I am pleased to see my distinguished colleagues from the House with us this morning. You are part of a bipartisan panel of concern on the issue, and I look forward to your testimony.

Congressman Barnes, welcome. We appreciate your being here and taking the time to join us. We look forward to your testimony.

Mr. BARNES. Well, Senator, thank you very much. I am grateful for this opportunity to appear with my friend from Virginia, my colleague, Frank Wolf, to testify on an issue that we agree with you is one of real vital importance to our region and our Nation.

The continuing tragic problem of drunk driving deserves attention at all levels of government and every sector of our society. So I want to join your Senator colleagues in congratulating you, Senator Lautenberg, on your leadership.

Great progress has been made in this decade, I think, to raise public awareness and concern about the threat posed by drunk driving, and the especially disproportionate effect it has on our young people.

Government, the private sector and citizen groups have responded to those concerns with good initial results, but clearly we have got a long way to go before we bring the drunk driving epidemic under control among all age groups in America.

We know what actions can be taken to combat the problem effectively. I had the privilege of serving as a member of President Reagan's National Commission on Drunk Driving which deliberated this issue in every region across the country.

We held hearings all over America and we met with every segment of society over a long period of time. I think it is fair to say that we came up with an excellent blueprint for action for each State and community to follow to reduce very significantly the problem of drunk driving.

UNANIMOUS SUPPORT OF PRESIDENTIAL COMMISSION

One of the key recommendations which received absolutely unanimous support—and we had the alcohol industry participating, and everybody was participating in this effort. Unanimous support came for the one recommendation in the Presidential Commission's report that called for new, direct Federal action.

Most of the recommendations dealt with what States and communities could do, but there was one specific recommendation that we in the Congress should follow, and that called on us in the Congress to confront this No. 1 killer of our Nation's teenagers by adopting legislation cutting off all highway funds.

That is what the Commission recommended—all highway funds be cut off to the District of Columbia and the then 27 States that had not yet raised the drinking age to 21. That was the Presidential Commission's unanimous recommendation that if they do not raise the drinking age to 21, they lose it all; not 10 percent, all of it.

I, along with Transportation Chairman Jim Howard in the House and others—Congressman Wolf was certainly involved in this process and you, Senator Lautenberg, in the Senate—introduced, as you well recall, the National Uniform Minimum Drinking Age Act back in 1984, which passed quickly that year by an overwhelming majority.

After a strengthening amendment earlier this year that we were able to get through, the law now reads that a State and the District will lose 10 percent of its highway funds starting next year if it fails to meet the national 21 standard.

Since the bill's passage, as you have said, all but seven States and the District of Columbia have taken action to raise their drinking ages to 21. My own State went up; Frank's State of Virginia went up to 21. So we are moving.

DISTRICT DRINKING AGE BELOW 21

This leaves the District of Columbia the only jurisdiction on the east coast with a drinking age below 21. This undermines, clearly, the effectiveness of Maryland and Virginia raising our drinking ages and presents a very serious health and safety problem for our entire region.

As chairman of the District of Columbia Subcommittee on Metropolitan Affairs and as a resident of this region, I am delighted to note, as you have, that Mayor Barry has endorsed his Traffic Safety Committee's recommendation that the District raise its drinking age to 21 for all alcoholic beverages. This is the kind of leadership that this problem has needed, quite frankly, for years.

I strongly urge the City Council here in the Nation's Capital to support Mayor Barry's proposal. Clearly, as you have said, this is not a home rule issue. Under the Federal law, the District is being treated the same as any State in the United States. It is not being singled out for any special treatment.

INCREASING PERCENTAGE OF HIGHWAY FUNDS WITHHELD

I hope it is not necessary, frankly, for the Congress to take additional action on this specific issue. But I would say just for myself as one Member of Congress, if the District and the seven remaining States fail to act affirmatively in the relatively near future—and, frankly, I would say if they do not do it this year, I am prepared to seek additional legislative steps to strengthen the National Uniform Minimum Drinking Age Act by increasing the percentage of highway safety funds that we withhold each year.

As I said, the Commission recommended that you cut if off. That is how strongly the Presidential Commission unanimously felt about this issue, that we cut off the funds, not reduce it by 10 percent.

So as I say, I am very prepared to move aggressively, along with other Members of Congress who may share my view on this, if the District and the seven States that have not yet acted fail to do so.

The combination of alcohol and other drugs while driving is the leading killer and crippler of teenagers in America today. There is nothing more important that we can do for our children.

I have got two. Frank, you have got five or six, do you not?

Mr. WOLF. Five.

Mr. BARNES. Five.

There is nothing more important that we can do for our children than to end this senseless slaughter, and I think the way to start that is by setting a uniform minimum drinking age of 21 here in our region and across the whole Nation

Senator, I am very grateful for the opportunity to appear this morning. Again, I salute you. It has been a privilege to work with you on this issue. I hope, frankly, we will not have to do anything more in the Congress, but if we have to, I am ready to work with you or anybody else who is prepared to move forward on it.

PREPARED STATEMENT

Senator LAUTENBERG. I appreciate your excellent testimony, Congressman. Your complete statement will be made part of the record.

[The statement follows:]

Statement of Representative Michael D. Barnes

I AM GRATEFUL TO HAVE THIS OPPORTUNITY TO TESTIFY TODAY ON AN ISSUE OF VITAL IMPORTANCE TO OUR REGION AND NATION. THE CONTINUING TRAGIC PROBLEM OF DRUNK DRIVING DESERVES ATTENTION AT ALL LEVELS OF GOVERNMENT AND EVERY SECTOR OF OUR SOCIETY, SO I CONGRATULATE YOU, MR. SPECTOR, AND SENATOR LAUTENBERG ON YOUR LEADERSHIP.

GREAT PROGRESS HAS BEEN MADE IN THIS DECADE TO RAISE PUBLIC AWARENESS AND CONCERN ABOUT THE THREAT POSED BY DRUNK DRIVING, AND THE ESPECIALLY DISPROPORTIONATE AFFECT IT HAS ON OUR YOUNG PEOPLE. AND GOVERNMENT, THE PRIVATE SECTOR AND CITIZEN GROUPS HAVE RESPONDED TO THOSE CONCERNS WITH GOOD INITIAL RESULTS. BUT, CLEARLY, WE HAVE A LONG WAY TO GO BEFORE WE BRING THE DRUNK DRIVING EPIDEMIC UNDER CONTROL AMONG ALL AGE GROUPS.

WE KNOW WHAT ACTIONS CAN BE TAKEN TO COMBAT THE PROBLEM EFFECTIVELY. I SERVED ON PRESIDENT REAGAN"S NATIONAL COMMISSION ON DRUNK DRIVING WHICH DELIBERATED THE ISSUE IN EVERY REGION NATIONWIDE. WE CAME UP WITH AN EXCELLENT BLUE PRINT FOR ACTION FOR EACH STATE AND COMMUNITY TO FOLLOW TO SIGNIFICANTLY REDUCE DRUNK DRIVING.

ONE OF THE KEY RECOMMENDATIONS WHICH RECEIVED UNANIMOUS SUPPORT -- IN FACT, THE ONE RECOMMENDATION IN THE PRESIDENTIAL COMMISSION'S REPORT CALLING FOR NEW DIRECT FEDERAL ACTION -- CALLED ON THE CONGRESS TO CONFRONT THIS NUMBER ONE KILLER OF OUR NATION'S TEENAGERS BY ADOPTING LEGISLATION CUTTING OFF ALL HIGHWAY FUNDS TO THE DISTRICT OF COLUMBIA AND THE 27 STATES NOT HAVING YET RAISED THE DRINKING AGE TO 21.

I, ALONG WITH TRANSPORTATION CHAIRMAN JIM HOWARD AND OTHERS IN THE HOUSE, AND SENATOR LAUTENBERG HERE IN THE SENATE, INTRODUCED THE NATIONAL UNIFORM MINIMUM DRINKING AGE ACT IN 1984, WHICH PASSED QUICKLY THAT YEAR BY AN OVERWHELMING

MAJORITY. AFTER A STRENGTHENING AMENDMENT EARLIER THIS YEAR, THE LAW NOW READS THAT A STATE AND THE DISTRICT WILL LOSE TEN PERCENT OF ITS HIGHWAY FUNDS STARTING NEXT YEAR IF IT FAILS TO MEET THE NATIONAL 21 STANDARD.

SINCE THE BILL'S PASSAGE, ALL BUT SEVEN STATES AND THE DISTRICT OF COLUMBIA HAVE TAKEN ACTION TO RAISE THEIR DRINKING AGES TO 21. IN OUR REGION, BOTH MARYLAND AND VIRGINIA HAVE RAISED THEIR DRINKING AGES TO 21, LEAVING THE DISTRICT OF COLUMBIA THE ONLY JURISDICTION ON THE EAST COAST WITH A DRINKING AGE BELOW 21. THIS UNDERMINES THE EFFECTIVENESS OF MARYLAND AND VIRGINIA RAISING THEIR DRINKING AGES, AND PRESENTS A SERIOUS HEALTH AND SAFETY PROBLEM FOR OUR ENTIRE REGION.

AS CHAIRMAN OF THE DISTRICT OF COLUMBIA SUBCOMMITTEE ON METROPOLITAN AFFAIRS AND AS A RESIDENT OF THIS REGION, I AM DELIGHTED THAT MAYOR BARRY HAS ENDORSED HIS TRAFFIC SAFETY COMMITTEE'S RECOMMENDATION THAT THE DISTRICT RAISE ITS DRINKING AGE TO 21 FOR ALL ALCOHOLIC BEVERAGES. THIS IS THE KIND OF LEADERSHIP THIS PROBLEM HAS NEEDED FOR YEARS. I STRONGLY URGE THE CITY COUNCIL'S SUPPORT OF THE MAYOR'S PROPOSAL. CLEARLY, THIS IS NOT A HOME RULE ISSUE. UNDER OUR FEDERAL LAW, THE DISTRICT IS BEING TREATED THE SAME AS ANY OTHER STATE IN THE UNION.

I HOPE IT'S NOT NECESSARY FOR THE CONGRESS TO TAKE FURTHER ACTION ON THIS SPECIFIC ISSUE, BUT IF THE DISTRICT AND THE SEVEN REMAINING STATES FAIL TO ACT AFFIRMATIVELY THIS YEAR, I AM PREPARED TO SEEK ADDITIONAL LEGISLATIVE STEPS TO STRENGTHEN THE NATIONAL UNIFORM MINIMUM DRINKING AGE ACT BY INCREASING THE PERCENTAGE OF HIGHWAY SAFETY FUNDS WITHHELD EACH YEAR.

THE COMBINATION OF ALCOHOL AND OTHER DRUGS WITH DRIVING IS THE LEADING KILLER AND CRIPPLER OF TEENAGERS TODAY. THERE IS NOTHING MORE IMPORTANT THAT WE CAN DO FOR OUR CHILDREN THAN TO END THIS SENSELESS SLAUGHTER STARTING WITH A UNIFORM MINIMUM DRINKING AGE OF 21 IN OUR REGION AND NATION.

NATIONAL COMMISSION ON DRUNK DRIVING ACTS AS CATALYST

Senator LAUTENBERG. The National Commission on Drunk Driving was really the catalyst that enabled us to enlist support from both sides of the aisle to get on with this legislation.

There was a lot of work done to get it where it is, obviously, and we had to change the law from a 2-year penalty period to a permanent penalty period because what we found was the States were enacting sunset laws that would raise the age to 21 for 2 years and drop back down to the age of 19 or 18.

Mr. BARNES. That is right.

Senator LAUTENBERG. It was a bit cynical and we were determined to nip that in the bud, and we were able to do it.

Congressman, does your schedule permit you time for us to——

Mr. BARNES. I would like to hear Congressman Wolf's testimony. I do not have much time, but I will hang on here for a few minutes.

Senator LAUTENBERG. We would have some questions for you afterward.

Mr. BARNES. Thank you.

Senator LAUTENBERG. Congressman Wolf, we are pleased to have you here—again, a neighboring State. The pitiful part of this is that States that take this positive action cannot protect their youngsters as they would like to because you can go next door and get what you want.

I hear all kinds of stories that those who can buy liquor or beer and wine at 18 provide it, often, to 13- and 14-year-olds back home.

So, Congressman, please go ahead with your testimony.

STATEMENT OF REPRESENTATIVE WOLF

Mr. WOLF. Thank you very much, Senator. It is a pleasure to be here with Mike, who has done so much in the House. Also, I want to thank you for holding the hearings. For the very nature of the fact that you have held this hearing today—and I know you are kind of dogged when you go after something—I am confident you are going to be successful.

You are going to save a lot of agony and pain from taking place in some households, particularly in Maryland and in northern Virginia, but around the country. There are going to be people who really do not know that as a result of you, their kids did not die.

I want you to know that as a father of five children, I really think that by holding this hearing you are going to be saving a lot of lives.

I am greatly concerned that the District of Columbia has not raised its legal drinking age to 21 and, in fact, remains the only jurisdiction on the east coast not to act. Responding to Congress recognition that drunk driving is an issue of national concern, an overwhelming number of the States have adopted the 21-year minimum drinking age.

Remarkably, the District of Columbia remains the only jurisdiction in the entire United States selling alcohol to 18-year-olds, with the exception of Colorado where the more diluted 3.2 percent beer is sold. Clearly, this is a dubious distinction for the Nation's Capital, and the

District's refusal to conform with the rest of the country continues, I think, to jeopardize its relationship with the Congress.

The Metropolitan Washington Council of Governments and the Washington Regional Alcohol Program have urged the District to adopt 21 as its minimum drinking age. Numerous District of Columbia agency heads and department directors have acknowledged their support during the subcommittee hearings we held this year.

A major reason for action is the need for uniformity between adjoining districts and jurisdictions to prevent the tragedy of a blood border. States taking responsible action, such as Maryland and Virginia, are, in fact, penalized and their residents endangered when neighboring jurisdictions keep lower drinking ages.

GEORGETOWN MECCA FOR TEENAGE DRINKERS

Teenagers in Virginia and Maryland now have a positive incentive to drive into the District of Columbia and drink. The District, and particularly Georgetown, has become a mecca for teenage drinkers.

In reality, the effective drinking age now in northern Virginia and the Maryland suburbs is 18 as long as the District fails to act. A recent survey by the Metropolitan Washington Council of Governments showed that while alcohol-related crashes in the metropolitan area involving drivers under 21 appear to be declining, there were still 274 such crashes reported between December 1985 and March 1986. Of those who indicated where they had bought the alcohol, a majority said the District of Columbia.

The District's lower drinking age also negatively affects our region in another way. The Department of Defense has long supported the 21-year drinking age, since the principal cause of death in the Armed Forces today is drunk driving.

DRINKING AGE ON MILITARY BASES

The Department of Defense raised the drinking age on all military bases across the country to 21, except where there is a jurisdiction with a lower drinking age within 50 miles. This is to prevent the base perimeter from becoming a blood border.

With the large number of military facilities within 50 miles of the D.C. metropolitan area—and that is Fort Myer, Fort Belvoir, Quantico, Bolling, the Pentagon, the Navy Yard, and on and on and on—this problem is particularly severe and endangers all of us who use the roads.

The risk to communities near these facilities was tragically illustrated in 1983. An under-21-year-old soldier got drunk at Fort Myer in Arlington, drove off the base and collided with another car head-on, leaving one northern Virginia teenager dead and his girlfriend crippled for life.

It is also significant that the District is visited every year by thousands of high school students and other young people. Since the District is one of the few places in the country where teens can buy alcohol, those who come here on class trips, internships, and for other purposes are unnecessarily at risk.

So this is really a national issue because a class trip coming from Montana or from Illinois, or wherever—21 in the home State, 18 here, so it becomes more of a national issue.

The uniform drinking age is not the only solution to the problem of teens drinking and driving, but it does make a significant difference. The two most comprehensive studies available from the U.S. Department of Transportation and the Insurance Institute for Highway Safety both came to identical conclusions. In jurisdictions that raised the minimum drinking age to 21, a 13-percent decrease in nighttime fatal crashes involving the affected group was reported.

EFFECTS OF LOWERING DRINKING AGE

History, too, supports this statistic. During the 1970's, many States lowered their drinking age from 21 to 18. In the early 1980's, the Surgeon General found that longevity had increased for all age groups but one; 16- to 24-year-olds were dying at a greater rate. The leading cause of death for these young people? Alcohol-related traffic accidents.

If the District fails to adopt 21 as the minimum drinking age, it will have approximately $2.5 million in Federal highway funds withheld on October 1, 1986, and $5 million on October 1, 1987, and every year thereafter.

There is no question that the loss of these funds will have a major detrimental effect on the District's highway projects. However, failure to address this issue expeditiously will jeopardize much more than millions of dollars in highway funds. It will put at risk the lives of both the young people who come to the District to drink and innocent motorists of all ages who have the misfortune to encounter them on the regional highways and streets.

The time for the District to act is now. The issue is not home rule or the loss of income to D.C. bar owners. The issue is whether to protect the health and safety of District residents and their neighbors in Maryland and Virginia.

Once again, I am calling for the District to raise their age to 21, and join Congressman Barnes and you in commending Mayor Barry for yesterday taking that leadership, coming out for the 21 age.

Thank you, Senator.

PREPARED STATEMENT

Senator LAUTENBERG. Thank you very much, Congressman Wolf. We will make your complete statement part of the record.

[The statement follows:]

STATEMENT OF REPRESENTATIVE FRANK R. WOLF

I am greatly concerned that the District of Columbia has not raised its legal drinking age to 21 years, and, in fact, remains the only jurisdiction on the East Coast not to act to protect its young people. This has become an issue of public health and safety that affects District residents as well as their neighbors in surrounding communities.

Responding to Congress' recognition that drunk driving is an issue of national concern, 44 states have now adopted the 21-year minimum drinking age. Remarkably, the District of Columbia remains the only jurisdiction in the entire United States selling alcohol to 18-year-olds, with the exception of Colorado where the more diluted 3.2 percent beer is sold. Clearly, this is a dubious distinction for the Nation's Capital, and the District's refusal to conform with the rest of the country continues to jeopardize its relationship with the Congress.

The Metropolitan Washington Council of Governments and the Washington Regional Alcohol Program have urged the District to adopt 21 as its minimum drinking age. Numerous District of Columbia agency heads and department directors have acknowledged their support during subcommittee hearings for a 21-year minimum drinking age in the District of Columbia as well.

A major reason for action is the need for uniformity between adjoining jurisdictions to prevent the tragedy of "blood borders." States taking responsible action, such as Maryland and Virginia, are in fact penalized and their residents endangered when neighboring jurisdictions keep lower drinking ages. Teenagers in Virginia and Maryland now have a positive incentive to drive into the District and drink. The District, and particularly Georgetown, has become a mecca for teen-age drinkers.

In reality, the effective drinking age in Northern Virginia and the Maryland suburbs is 18 as long as the District fails to act. A recent survey by the Metropolitan Washington Council of Governments showed that while alcohol-related crashes in the metropolitan area involving drivers under 21 appear to be declining, there were still 274 such crashes reported between December 1985 and March 1986. Of those who indicated where they had bought the alcohol, a majority said the District of Columbia.

The District's lower drinking age also negatively affects our region in another way. The Department of Defense has long supported the 21-year drinking age since the principal cause of death in the armed forces today is drunk driving. The Department of Defense raised the drinking age on all military bases across the country to 21, except where there is a jurisdiction with a lower drinking age within 50 miles. This is to prevent the base perimeter from becoming a "blood border." With the large number of military facilities within 50 miles of the D.C. metropolitan area, the problem is particularly severe and endangers all who use our roads.

The risk to communities near these facilities was tragically illustrated in 1983. An under 21-year-old soldier got drunk at Ft. Myer in Arlington, drove off the base and collided with another car head on, leaving one Northern Virginia teen-ager dead and his girlfriend crippled for life.

It is also significant that the District is visited every year by many thousands of high school students and other young people. Since the District is one of few places in the country where teens can buy alcohol, those who come here on class trips, internships and for other purposes are unnecessarily at risk.

The uniform drinking age is not the only solution to the problem of teens drinking and driving. But it does make a significant difference. The two most comprehensive studies, available from the U.S. Department of Transportation and the Insurance Institute for Highway Safety, both came to identical conclusions: In jurisdictions that raised the minimum drinking age to 21 years, a 13 percent decrease in nighttime fatal crashes involving the affected age group was reported.

History, too, supports this statistic. During the 1970s, many states lowered their drinking age from 21 to 18. In the early 1980s, the surgeon general found that longevity had increased for all age groups but one: 16- to 24-year-olds were dying at a greater rate. The leading cause of death for these young people? Alcohol-related traffic accidents.

If the District fails to adopt 21 as its minimum drinking age, it will have approximately $2.5 million in Federal highway funds withheld on October 1, 1986, and $5 million on October 1, 1987, and every year thereafter. There is no question that the loss of these funds will have a major detrimental effect on the District's highway projects. However, failure to address this issue expeditiously will jeopardize much more than millions of dollars in highway funds. It will put at serious risk the lives of both the young people who come to the District to drink and innocent motorists of all ages who have the misfortune to encounter them on regional highways and streets.

The time for the District to act is now. I commend Mayor Marion Barry for his recent endorsement of a 21-year minimum drinking age in the District of Columbia and hope his bold leadership will be followed by Council Chairman David Clarke. The issue is not home rule or the loss of income to D.C. bar owners. The issue is whether to protect the health and safety of District residents and their neighbors in Maryland and Virginia. Once again, I am calling on the District to act now to adopt a 21-year minimum drinking age. Let us work together to benefit the entire metropolitan region.

LOSS OF TAX REVENUES FROM TAVERNS AND RESTAURANTS

Senator **LAUTENBERG**. I appreciate your kind comments about the role that I and Mike Barnes and so many others played.

I was in a discussion yesterday and reminded about how serious the loss might be in revenues to the District if the taverns and the restaurants, and so forth, could not continue to serve those under 21.

We got into a discussion about the financial impairment between the loss of highway funds or, alternatively, tax revenues on alcohol. I said to the person I was talking to, what are we discussing here? Are we discussing revenues?

You said something that was so critical, Frank, in your comments, and that is for the families who will not have to experience the anguish, the grief, the sadness, the shock, the trauma of the loss of a young one in their household or a neighbor next door or a dear friend, or to watch a child drive a wheelchair instead of a car as a result of alcohol-related accidents.

There is nothing more tragic in this world than the loss or the impairment of a young person in a family.

I feel very good, Mike, I must tell you, every day when I think about that legislation. Thirteen percent of the families—there is a debate whether it is 600 families across American or 700 or 800 families, but somewhere between 4,000 and 5,000 young people between the ages of 18 and 21 are killed in alcohol-related accidents.

Several hundred families a year will be spared the grief. You do not know what it is like to be without that kind of tragedy, but I feel good knowing that there are all kinds of situations across this country made better that could have resulted in fatalities and terrible, disabling injuries that far exceed the number of fatalities.

I feel good about the work we are doing, and I commend each of you for the strong stand that you have taken. It is not always popular. We get comments about heavy-handed government, States' rights, and that kind of business.

Each of us has taken an oath to protect as much as possible the public health and safety. I feel, as the father of four—one 18—that I have done something for my children and their friends and families across the country.

RECOMMENDATIONS TO ATTAIN COMPLIANCE

I would be curious as to what each of you thinks about what we ought to do in the event that we cannot get compliance. What we have seen borders on sculldugery in some cases. There was a constitutional challenge which failed, I think, twice, once in the lower court and once on appeal.

We have established the principle of being able to direct policy by withholding funds—the speed limit. We have done it with tandem trucks. Obviously, this now having stood the test of a court case and an appeal looks like it is safe there.

But there are people at work out there, surprisingly, who want to thwart this directive, this law. What do you think we ought to do?

Mike, I was struck by the fact that the commission on which you commendably served decided that the best way to handle the problem is to just take away all highway funds.

Mr. BARNES. That was the commission's recommendation, and I, for one, would be prepared to certainly go a lot farther than 10 percent, if necessary, to make it clear that the Congress is serious about this.

I think we could get a lot of support from our colleagues, if necessary, to move further on this. A point that I make sometimes to try to impress upon people the seriousness of this issue is to ask the question, what would people in this region do, how would they react if there were a terrorist group here in this area killing somebody every day?

Every day, somebody got killed by a small band of terrorists here in the Washington area. What would happen? People would go absolutely nuts, demanding action, if every day, day after day, week after week, month after month, somebody in our community was being murdered by terrorists.

They would be marching down here, tens of thousands outside the Capitol, demanding that we do something about it. I mean, a lot of people would be saying, suspend the laws, go after these people; find them, catch them, put them in jail. People would be going crazy.

Every day, drunk drivers here in our area are killing one of our neighbors. Every day, day after day, week after week, year after year, on average, a person a day is being murdered by drunk drivers here in the Washington area, and we go along like it is nothing; no big deal; nothing we can do about it. It is just accepted behavior.

Senator LAUTENBERG. Congressman, you are losing one point. There are lost revenues. I mean, come on, be reasonable.

You are absolutely right.

Mr. BARNES. I just think that this is a modest step, quite frankly, in dealing with this issue. I know you have been so involved, and Frank has, on a range of other actions that we have taken and are trying to take with respect to highway safety issues.

I think this is a modest action and we should be prepared to do a lot more, if necessary, to move the seven States and the District of Columbia that are recalcitrant on this. They are worried about—I do not know, whatever it is.

Frank cited a number to me earlier in a discussion of maybe $700,000 in lost revenues because of alcohol sales. That is a number that has been developed, as I understand, by city officials.

It is just nonsense to juxtapose that against the loss of lives and the injury to not only the young people, but everybody in our community. If this is a typical group in this room, one-half of the people in this room will be involved in an automobile accident that is alcohol-related in our lifetime.

One out of every two people in this room, the statistics tell us, will be involved in an alcohol-related automobile accident. We have just got to get very serious about this issue, and I do not think we have yet begun to do all we need to do.

Senator LAUTENBERG. Frank?

SUPPORT FOR STRONGER LANGUAGE AND HEAVY PENALTIES

Mr. WOLF. Senator, I agree with Mike I think particularly if you put some language in and said this is the last year and if you do not act, and treat the District and the States together so we do not get into the home rule question. Just say any jurisdiction, whether it be the District or any State—Colorado or whatever—that does not act, we will have a heavy penalty. I would support you, whatever that figure is you cut off.

I think the legislation that you and Mike have put together by withholding funds has made so many come to the table and respond. There are just a few holdouts, but if you up that a little bit, I think they will come around.

So I would give them to the end of the year and, next Congress, just crack it down on everybody.

Senator LAUTENBERG. They have got some weeks left, really, before they have the first penalty. Unfortunately, as the law was originally drawn, Mike, when we put this together, we permitted a refund of the withheld funds in the first 2 years if they then complied.

But in the update, there is no return of moneys withheld, and if public pressure does not do it, I am pleased that the two of you are going to be there with me to make sure that there is legislative pressure.

Mr. WOLF. Could you put a contingency in? If it is not done after a certain time, then I do not know that you could——

Senator LAUTENBERG. You mean it is nonrefundable?

Mr. BARNES. Yes; up the penalty.

Senator LAUTENBERG. We might, we might.

I thank you both.

Mr. WOLF. Thank you, Senator.

Mr. BARNES. Thank you.

Senator LAUTENBERG. I do not thank you for taking the time, because that is our job, but for working on this important issue and bringing it to the forefront. Hopefully, we will help the District make a decision that will make us all feel better about what takes place as our youngsters go out for a night on the town.

It can be done without alcohol. We found out it can be done without drugs. As a matter of fact, in the State of New Jersey and in the State of New York, the reports that we get are that there is a minimal, if any, loss in revenues as a result of curtailing drinking among young people.

Thank you both. We are pleased that you are here.

Mr. WOLF. Thank you.

Mr. BARNES. Thanks again.

WELCOMING REMARKS

Senator LAUTENBERG. Diane Steed, it is nice to see you, as usual. I love the work you do and the way you do it.

Ms. Steed is the Administrator of the National Highway Traffic Safety Administration. We have had your support on this issue and you have encouraged us many times on the reports back that you have gotten about the kind of progress that we have made in this area.

I look forward to hearing your testimony.

STATEMENT OF DIANE K. STEED

Ms. STEED. Thank you very much, Senator. Let me join with the Congressmen this morning in both congratulating you and thanking you for your leadership not only on this particular issue, but in the fight against drunk driving, in general. It is support from people like you who are willing to step up to these kinds of issues that really makes a difference in this country. And we have made a difference as can be seen in the recent data on alcohol-related crashes.

ALCOHOL INVOLVEMENT IN TRAFFIC DEATHS

If I could speak from a nationwide perspective this morning, Mr. Chairman, motor vehicle crashes, especially those involving alcohol, are the leading cause of death among teenagers.

In 1985, some 12,000 drivers who had been drinking died in motor vehicle crashes. Although only 9 percent of all licensed drivers are under the age of 21, a disproportionate number of drinking driver fatalities, approximately 16 percent were under the age of 21.

We find that 45 percent of the fatally injured drivers under 21 years of age had been drinking at the time that the crashes killed them.

Furthermore, where the presence of different minimum drinking ages exist among adjoining States, we have seen the creation of the blood borders that we have talked about so often, involving many deaths of young people who drive across the State lines in order to have access to alcohol.

Our analysis of the accident data in States that have raised their drinking age shows this measure indeed saves lives. Our studies indicate that States that have raised their minimum drinking age show a 13-percent reduction in the fatal accident involvement among drivers affected by these law changes.

So we strongly agree with the intent of Congress. It certainly does save lives to raise the minimum drinking age to 21, and reduces young drivers' involvement in serious and fatal crashes.

As of today, we have notified 39 States that they are in compliance with the Federal age 21 law. We are still reviewing the minimum drinking age laws in three additional States and Puerto Rico. As you can see, we have made a great deal of progress since this bill was enacted.

INCREASED MINIMUM DRINKING AGE

However, unfortunately, as we have heard many times this morning, the projected savings in lives has not persuaded the District of Columbia to make the necessary changes in its law. The District of Columbia prohibits the sale of hard liquor to people under 21, but permits people 18 years of age or older to purchase beer and wine.

DRINKING AGE IN THE DISTRICT OF COLUMBIA

As we have heard again many times this morning, the District is only one of three jurisdictions in this country that permits the sale of alcohol to people 18 years of age. As you noted, it is the only jurisdiction on the east coast that has not yet enacted a 21-year-old drinking law.

The District has been under pressure from Virginia, Maryland, and many others which have already enacted "21" laws, to raise its minimum drinking age. Since the neighboring States have raised their drinking age, the District has become a magnet for teenagers from Maryland and Virginia who drive into the city, drink legally, drive toward home, and get in trouble.

The lack of the "21" law in the District, I am convinced, will impede the ability of Maryland and Virginia to control underage drinking and drunk driving in the Washington suburbs. This impediment would be eliminated when the District enacts its "21" law.

I think it was Congressman Barnes who also noted that we must remember that thousands of young high school children come to the Nation's Capital on high school trips. I think it behooves us as the Nation's Capital to set an example for those people. Therefore, we have a special obligation to serve as a model of responsibility for those young people.

DISTRICT OF COLUMBIA LOSS OF HIGHWAY FUNDS

Back in March, Federal Highway Administrator Ray Barnhart and I jointly wrote to Mayor Barry to alert him that, based on our preliminary review, the District appeared not to comply with the national minimum drinking age law, and, therefore, could lose a portion of its highway funds.

After careful review of the District's existing law, we wrote to Mayor Barry again on June 25 to inform him of our final determination that the District does not comply with the national minimum drinking age law, and that the statute directs us to withhold specified highway funds on October 1 of this year if the District's law is not changed by that date.

We also informed Mayor Barry at that time that our agencies would promptly review any minimum drinking age law that the District of Columbia might enact in order to bring them into compliance with the law.

Again, as you have heard this morning, the effect of our final determination of noncompliance will be to withhold approximately $2.6 million in Federal-aid highway apportionments this year and, assuming that Congress reauthorizes the programs at or near the same levels, roughly $5 million per year every year thereafter.

The problem is by no means limited to the District of Columbia. The law applies to all States, and we have sent similar determination letters to eight States that do not comply with the 21 drinking age law.

Currently, the minimum drinking age laws of three States and Puerto Rico are still under review.

I, like you, was very pleased to see the Mayor's statement in this morning's paper that he now supports the 21 drinking age law. I would like to take this opportunity to join in the chorus that we are hearing this morning to urge the District very strongly to consider the public health and safety of its residents, of its neighbors in Maryland and Virginia, and the many thousands of visitors that come to our Nation's Capital every year. I urge the District to take action as quickly as possible to raise its minimum drinking age for all alcoholic beverages to 21.

With that, Mr. Chairman, I would be happy to try and answer any questions. I would also like, for the record, to introduce my colleague, George Reagle, who is our Associate Administrator for Traffic Safety Programs.

PREPARED STATEMENT

Senator LAUTENBERG. Welcome to both of you. Ms. Steed, we have your complete statement and it will be made part of the record.

[The statement follows:]

STATEMENT OF DIANE K. STEED

I am pleased to appear before you today to testify on the National Minimum Drinking Age and its application to the District of Columbia.

The 1984 National Minimum Drinking Age law strongly encourages all 50 states, the District of Columbia, and Puerto Rico to prohibit the purchase and public possession of alcoholic beverages by persons under 21. The law is based on the recommendations of the Presidential Commission on Drunk Driving and is intended to reduce drunk driving among younger motorists. It defines alcoholic beverages as beer, wine and distilled spirits that have an alcoholic content of one-half of one percent or more by volume.

The law requires the Department of Transportation to withhold five percent of a state's primary, secondary, urban and Interstate Federal-aid highway funds for FY 1987 if the state does not have a complying age-21 law in effect by October 1, 1986. Any funds withheld on this date would be restored if the state enacted a complying age-21 law before the funds' availability lapsed. If the state does not have a complying age-21 law in effect by October 1, 1987, the amount withheld in FY 1988 would increase to 10 percent of these Federal-aid highway funds. The amount withheld in subsequent years would remain at the 10 percent level, but any amounts withheld on October 1, 1988 or thereafter would not be restored to the state.

Mr. Chairman, motor vehicle crashes, especially those involving alcohol, are the leading cause of death among teenagers. In 1985, approximately 12,000 drivers who had been drinking died in motor vehicle crashes. Although nine percent of all licensed drivers were under the age of 21, a disproportionate number of the drinking-driver fatalities -- approximately 16 percent -- were under the age of 21. We find that almost 45 percent of the fatally-injured drivers under 21 years of age have been drinking before the crashes that kill them. Furthermore, where the presence of different minimum drinking ages in adjoining states created "blood borders," there were many deaths of young persons who had driven across state lines for access to alcohol.

Our analysis of accident data in states that have raised their drinking ages shows that these measures save lives. Our studies indicate that states raising their minimum drinking age show a 13 percent reduction in fatal accident involvement among drivers affected by these law changes. We strongly agree with Congress' intent in enacting the National Minimum Drinking Age law: it will save young lives across the country, reduce younger drivers' involvement in serious and fatal crashes, and establish uniformity in place of the type of border problem that now exists between the District and its neighbors. We have already notified 37 states that they are in compliance with the Federal age-21 law and are reviewing the minimum drinking age laws of five additional states and Puerto Rico.

Unfortunately, the projected savings in lives have not yet prompted the District of Columbia to make the necessary changes to its law. The District of Columbia Alcoholic Beverage Control Act (Title 25, D.C. Code) prohibits the sale of hard liquor to persons under 21, but permits persons 18 or older to purchase beer and light wine. The District is one of only three jurisdictions in the entire country that permits the sale of alcohol to 18-year-olds and the only jurisdiction on the East Coast that has not enacted a comprehensive age-21 law.

The District has been under intense pressure from Virginia and Maryland, which have age-21 laws, to raise its minimum drinking age from 18 to 21. As the neighboring states have raised the drinking age, the District has become a magnet for teenagers from Maryland and Virginia who drive into the city, drink legally, then drive home and become involved in alcohol-related crashes. The lack of an age-21 law in the District impedes the ability of Maryland and Virginia to control underage drinking and drunk driving in the Washington suburbs. This impediment would be eliminated by the District's enactment of an age-21 law.

It is also significant in this regard to remember that thousands of high school students and other young people from across the country visit the District every year. As the Nation's capital, the District of Columbia has a special obligation to serve as a model for sensible behavior.

On March 26, Federal Highway Administrator Barnhart and I jointly wrote to Mayor Barry to alert him that, based on our preliminary review, the District of Columbia appeared not to comply with the National Minimum Drinking Age law and, therefore, could lose a portion of its highway funds in the next fiscal year. After further careful review of the District's law, we wrote to Mayor Barry again on June 25, to inform him of our final determination that the District does not currently comply with the National Minimum Drinking Age law, and that the statute directs us to withhold the specified highway funds on October 1, 1986, if the District's law is not changed by that date. Our letter informed Mayor Barry that our agencies would promptly review any minimum drinking age law the District of Columbia might enact. The effect of our final determination of noncompliance will be to withhold approximately $2 million in Federal-aid highway apportionments from the District, effective October 1, 1986, assuming that Congress reauthorizes the program at or near current levels, and roughly $4 million per year in subsequent years.

The problem is by no means limited to the District of Columbia. The 1984 National Minimum Drinking Age law applies to all states, and we have sent similar determination letters to eight states that lack complying age-21 laws. Currently, the minimum drinking age laws of five states and Puerto Rico are under review.

Mr. Chairman, I would like to take this opportunity to urge in the strongest terms that the District of Columbia consider the public health and safety of its residents, their neighbors in Maryland and Virginia, and the many thousands of visitors to the Nation's capital and raise its minimum drinking age for all alcoholic beverages to 21.

This concludes my statement. I will be glad to try to answer any questions you may have.

COMPLIANCE LEVEL WITH AGE 21 DRINKING LAW

Senator LAUTENBERG. I have in the past said how pleased I was with the forthright job you do in your position. Nothing impedes your determination to carry out the portfolio that you are responsible for, and you indicated here by staying after the States that are tinkering with this.

I notice that in your testimony as I listened to you that there were some changes in numbers.

Ms. STEED. Yes.

Senator LAUTENBERG. Do you want to just update us on that? What is the compliance level right now?

Ms. STEED. Right now, we have written to 39 States; that is 2 more than are mentioned in my prepared statement. We recently notified West Virginia and Florida that their age 21 laws are in compliance with Federal law.

We still have under review three States and Puerto Rico. We are still examining their laws along with supplemental information from those States to see if their definitions and requirements meet the standards spelled out in our regulations.

Senator LAUTENBERG. Very good. Certainly, progress is being made.

Ms. STEED. Absolutely.

Senator LAUTENBERG. By sheer coincidence, the pace has accelerated as we got closer to D-day; that is, deduction day.

In 1984, we gave States 2 years to act, and most have acted positively. The grace period ends September 30, I guess, and those last few, hopefully, will come into compliance.

There is no fun in penalizing the States, and I hope that for them it is embarrassing to be a lone holdout in a program designed to save young people's lives and their well-being.

PERSUASIVE ACTIONS TO ENCOURAGE CONFORMANCE

What do you think we ought to do in the event that we have difficulty in persuading States and the District and Puerto Rico to conform? Do you think we ought to up the ante, as Congressman Barnes suggested?

Ms. STEED. I think we would need to wait a while, Senator, and see what happens in the States. I know that several of the States who have not yet successfully raised their drinking age, in fact, made a good fight this year. Louisiana, for example, missed raising its drinking age by one vote. I think we can make substantial progress working with those States, telling them about the lifesaving benefits of raising the drinking age and telling them what happens when they do not. I believe we can encourage most, if not all, of the remaining States to take action.

I am not prepared today to say what kind of actions we should take because I think we need to see what the problems are and why States may be resisting, if they continue to do so. But certainly we would be willing to work with you to determine what steps might be taken.

I was asked yesterday by a reporter: Are we satisfied with the progress that has been made on the 21 drinking age laws? My answer was: We are very pleased with the progress that has been made, with 20 States responding to your legislation and enacting 21, but that we are not yet satisfied and that we would not be satisfied until all the States raise the drinking age to 21.

Senator LAUTENBERG. Of course, and it would be cruel to look back and say "should have."

Ms. STEED. That is right.

Senator LAUTENBERG. But there was not a rush, to use the expression, to the starting gate in lots of cases. There was a lot of arm-twisting, and sadly so because while the waiting game takes place, there is something stalking our young people out there that causes them either loss of life or loss of ability to function normally.

NHTSA'S POSITION ON CASE WESTERN STUDY

I wanted to ask you a question because you and I at a previous hearing discussed the Case Western Reserve study.

Ms. STEED. Yes.

Senator LAUTENBERG. It has been used by opponents of our legislation to challenge the validity of our conclusions. What is NHTSA's position of the study by DeSario and Bolotin which challenges the benefits of raising the drinking age? Is this a reliable study for analysis purposes?

Ms. STEED. We found that it was not, Senator. We found that it was flawed. We believe that there has been a significant fatality reduction in the States that have raised the drinking age. Our own study found a 13-percent reduction in the involvement of the affected age group in fatal accidents. That finding has been upheld by the IIHS study as well as other studies.

The Case Western Reserve study had a number of statistical flaws and several errors were made in their basic data. So we have officially discounted the findings of that study. We simply do not believe that raising the drinking age increases fatalities.

A number of reputable studies have demonstrated that the law is working as you intended.

CLOSING REMARKS

Senator LAUTENBERG. I appreciate hearing from you, as usual. Keep up the good work, and I look forward to working with you on all kinds of safety matters. We can feel good about the accomplishments, even if they are not seen as perhaps some other programs are.

When you do not have a tragedy, one does not realize it, but we can thank our lucky stars every time we look at our families or look at our young friends or their young friends and say they are off to school or off to work every day just like any day before, and knowing that some of them are there because of our joint efforts.

I am grateful to you, and thank you for being with us this morning.

Ms. STEED. Thank you.

PANEL II—DISTRICT OF COLUMBIA WITNESSES

STATEMENTS OF:
JOHN RAY, COUNCILMAN, D.C. COUNCIL
THOMAS M. DOWNS, CITY ADMINISTRATOR/DEPUTY MAYOR FOR OPERATIONS

INTRODUCTION OF WITNESSES

Senator LAUTENBERG. Mr. Downs and Mr. Ray, welcome. Thank you both for being here.

Mr. HOBSON. Excuse me, Senator. My name is Julius Hobson. I am from the Mayor's Office of Intergovernmental Relations, and I am just going to sit here until Mr. Downs gets here. He is on his way. If you could start with Mr. Ray, Mr. Downs should be here shortly.

Senator LAUTENBERG. Mr. Hobson, you say he is——

Mr. HOBSON. He is on his way.

Senator LAUTENBERG. On his way?

Mr. HOBSON. Yes, sir.

Senator LAUTENBERG. Would it be fair to say that D.C. traffic was the thing that prevented his being here?

Mr. HOBSON. No, sir; it would not be fair.

Senator LAUTENBERG. I do not want to extend you, honestly. Welcome. I just could not miss the opportunity because I have sat there and watched the world go by at times on my way to work.

Mr. Ray, you are a D.C. councilman. We welcome you here. Just to help me out, is your Council seat one at-large in character?

Mr. RAY. Citywide, yes.

Senator LAUTENBERG. Citywide.

We thank you for joining us this morning and look forward to your testimony.

STATEMENT OF JOHN RAY

Mr. RAY. Thank you. Mr. Chairman, I have submitted a written statement for the record. I will not read that statement this morning. I will simply summarize the meat of it and lay a few additional thoughts on the table for your consideration.

At the outset, let me say that as someone who has personal friends who have lost loved ones within the last 3 years under the wheel of an automobile and at the hands of a drunk, I share in the deepest way the feelings of those who have their mission to end drunken driving on our highways.

We all agree that we must get the drunks off the roads and from behind the steering wheels. Let me also take this opportunity to lay to rest a few absurd statements that have been batted around by some of the elected officials from our neighboring States.

It has been suggested that we do not want to raise the drinking age in the District of Columbia because of loss of revenue. That is not true. The fact of the matter is that we will lose more revenue by not responding to the cocked gun than we will by complying with raising the drinking age as now is required by the bill that you and others have passed through Congress.

There has also been the suggestion that this is called blood money. The suggestion in the statement is not true and outrageous.

It also has been suggested that we are buying into the restaurant lottery—untrue again. In fact, I know of only three restaurant owners in the District of Columbia that have argued against raising the drinking age.

The fact of the matter is most restaurants in the city would like to see a uniform drinking age. It is much easier to enforce and much more convenient for them.

I would also like to say a word about the good neighbor argument. Our friends from Virginia and Maryland this morning have argued that we should be good neighbors. Good neighbors go both ways.

The District of Columbia has a gun control law here Maryland and Virginia do not. Our citizens can readily go across the lines to Maryland and Virginia and buy handguns any day. I have yet to hear Mr. Hoyer, Mr. Barnes, Mr. Parris, or Mr. Wolf talk about good neighbors in that respect.

Finally, there is a statement that we have created a blood border. I find that statement inflammatory, good political theater, and a play on emotionalism.

OPPOSITION TO RAISING DRINKING AGE FOR BEER AND WINE

As I stated in my written submission, I am opposed to raising the drinking age for beer and wine. It would be unfair, discriminatory, impossible to enforce, and ineffective in curbing drunk driving and other forms of alcohol abuse.

We cannot even prevent our children from buying cocaine, heroin, or PCP—illegal drugs with harsh criminal penalties. How are we going to prevent them from buying a product that is not only legal, but is promoted on national television every day, every night, almost every hour, as not only being necessary for good health, but the only decent way to stay slim and trim?

Miller Lite is brewed the American way, and Coors comes right up out of the earth, natural. In fact, nature produced it, not Mr. Coors.

Mr. Chairman, I have a son; he will be 4 on November 4. He saw me drinking a beer at the age of 2½ and he queried me as to whether he could share it. I, of course, explained that beer was not good for him and could, in fact, hurt him.

I could see the difficulty on his face in accepting my reasoning while I sat there drinking this dangerous product. I also saw my own stupidity.

I simply do not believe that anyone can seriously believe that we are going to tell an 18-year-old, a 19-year-old, or a 20-year-old that beer and wine are not good for them and it is a dangerous product unless you turn 21, when the danger mysteriously disappears.

When almost any adult—unless, Mr. Chairman, things have changed since I worked on the Hill back in the seventies, most of the lawmakers up here indulge in this good pasttime. Most of them keep it in their households, and most of their children have grown up watching them drink.

It is like a young man who told me that his father and mother had offered that they thought raising the drinking age to 21 was a good idea, and he pointed out that he had been drinking beer, wine, and sometimes liquor since he was 16.

Out of amazement, his mother asked who gave it to him and he pointed out that he secured it from the supply they bought for the house.

Yes; logic dictates that an age limit must be set somewhere, and in our country 18 seems to be the most reasonable point because it is at that age when most of us make that first real break from father and mother and become somewhat independent, whether it is going to work full time or pursuing a higher education.

DRINKING AGE IN OTHER COUNTRIES

Most countries have looked at this in setting their drinking ages. For example, in France the legal drinking age is 18 for anything; in Germany, 16 for beer and wine, 18 for hard alcohol; in England, 17 for everything; in Switzerland, 16 for everything.

Now, I must admit that I was amazed at how well young people in those countries were able to handle alcohol when I was there. I might point out that in these countries—Europe, Japan, the Philippines, the Republic of Korea—we have almost a half million military men and women there, and that is not counting the civilians and their dependents.

On the issue of blood border, I have not had an opportunity to look at the map in recent months, but I will assume that the United States and Canada still border each other.

In view of this small reality, I would like to bring to the committee's attention that in all the bordering jurisdictions—in Canada, the legal drinking age for everything is either 18 or 19.

Will we see thousands flocking across the border to Canada to buy beer, wine, and hard booze? What are we going to do about this blood border, station the Marines there to prevent any American under 21 from crossing the border unless accompanied by an adult?

Assuming the support for raising the drinking age for beer and wine to 21 is genuine and not political, I suspect that we will soon see legislation proposing that the most effective way to deal with teenage pregnancy is to pass a law making it illegal for anyone to have sex before 21.

As I noted in my prepared statement, I think it is wrong, terribly wrong, for our President, our Senators, our Representatives, and, yes, our mothers and our fathers, to tell 18-, 19-, and 20-year-olds that you are mature enough to fight our wars, die for our political decisions and beliefs and our freedom, but you are too immature to drink a beer.

Forty percent of the young men who died in Vietnam were 19 or younger, and so it will be in the next war. As long as human beings are on earth, we will have wars. In our little venture into Grenada, we lost 18 and wounded 116. I do not know their ages, but I am sure there were some in the affected class.

I was thinking on my way up here this morning. I spent 5½ years in the military. Three of those years, I spent with the 348th Munitions Maintenance Squadron at RFK Lakenheath, in England. That is where the bombers took off to bomb Libya.

The place they went to bomb, which is near Wheeler Air Force Base, is where we used to go TDY. I can assume that many of the young men who loaded the planes that took the bombs there were in the affected class, as they were in the days when I was there.

Each and every day, day in and day out, they do a good job. They do it in a mature way and they do it in a professional way.

NEED TO ENACT TOUGH DRUNK DRIVING LAWS

Raising the drinking age is not the answer. Rather, it is, in the words of the last voluntary executive director of MADD in 1981, Mr. Sandy Goldman—he stated the drinking age debate was a smokescreen, obstructing our view of the real issues and interests involved in resolving the drinking problem. I agree with that.

I grew up in southern Georgia. The county that I grew up in and all the surrounding counties were dry. You were not supposed to be able to buy anything other than iced tea, Kool-Aid, and soda pop.

But we could purchase anything we wanted at age 16, 17, or 18, from the best scotch to the worst beer, and even white lightening, if that was your thing.

We need to enact tough drunk driving laws and we need to enforce them, no ifs, ands or buts about it. In the District of Columbia, we have one of the toughest drunk driving laws in the country.

NEED FOR ALCOHOL TREATMENT AND EDUCATION PROGRAMS

We need to provide treatment for those who are affected by alcohol, and we need a good educational program to educate not only our young people, but everyone about the dangers of alcohol. It is a program that should start from the time a child enters the first grade.

If the Congress of the United States is serious about dealing with the problem, we will get on with the business of raising funds and providing funds to seriously educate our kids on how to be responsible users of alcohol because they are going to use it.

Finally, Mr. Chairman, let me say that while I have served my country in the military as a public servant and now on the D.C.

Council and in the Federal Government, and I will continue to contribute to the growth and development of my country in a positive way, I appear here today as a three-fourths citizen simply because I have decided to live in the District of Columbia.

But with that three-fourths voice, I will continue to say as loud as I can that this approach is wrong-headed and will not solve the problem. To the Mayor of my city and to those who support it, I simply say as my grandfather once told me that if a man does not stand for something, he will fall for anything.

Thank you for having me this morning.

PREPARED STATEMENT

Senator LAUTENBERG. Thank you, Mr. Ray, for your observations. we will make your complete statement part of the record.

[The statement follows:]

STATEMENT OF JOHN RAY

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I APPRECIATE THE OPPORTUNITY TO TESTIFY ON THE ISSUE OF RAISING THE DRINKING AGE FOR BEER AND WINE IN THE DISTRICT OF COLUMBIA. AS CHAIRMAN OF THE COMMITTEE WITH JURISDICTION OVER ISSUES RELATING TO THE DISTRICT'S ALCOHOLIC BEVERAGE LAWS AND REGULATIONS, I HAVE GIVEN THE MATTER A GREAT DEAL OF THOUGHT, AS HAVE ALL OF MY COLLEAGUES WHO SERVE ON THE COMMITTEE.

DISTRICT LAW ESTABLISHES 21 AS THE MINIMUM AGE FOR PURCHASING DISTILLED SPIRITS, AND 18 AS THE MINIMUM AGE FOR PURCHASING BEER AND WINE. THIS HAS BEEN THE LAW IN THE DISTRICT SINCE THE END OF PROHIBITION -- OVER 52 YEARS. LAST YEAR A MEMBER OF THE COMMITTEE INTRODUCED LEGISLATION TO RAISE THE DRINKING AGE FOR BEER AND WINE TO 21 .

LET ME SAY AT THE OUTSET THAT I AM PERSONALLY OPPOSED TO RAISING THE DRINKING AGE FOR BEER AND WINE TO 21. I BELIEVE IT WOULD BE UNFAIR AND DISCRIMINATORY, IMPOSSIBLE TO ENFORCE, AND INEFFECTIVE IN CURBING DRUNK DRIVING AND OTHER FORMS OF ALCOHOL ABUSE.

DESPITE MY PERSONAL VIEWS, I MOVED THE PROPOSAL THAT CAME BEFORE THE COMMITTEE THROUGH THE NORMAL PROCESS OF HEARINGS AND PROVIDED THE MEMBERS OF THE COMMITTEE THE OPPORTUNITY TO VOTE THE MEASURE OUT FOR ACTION BY THE FULL COUNCIL. AFTER REVIEWING THE TESTIMONY AND OTHER DOCUMENTARY EVIDENCE, THE COMMITTEE ON CONSUMER AND REGULATORY AFFAIRS VOTED FOUR-TO-ONE TO REJECT THE BILL. THE COMMITTEE DID SO ON THE BASIS OF CONVINCING EVIDENCE THAT RAISING THE DRINKING AGE IS NOT THE SOLUTION TO THE REAL PROBLEMS THE BILL IS DESIGNED TO CURE -- DRUNK DRIVING, ALCOHOLISM AND THE ACCIDENTS, INJURIES, AND THE RESULTING DEATHS.

I MIGHT ADD THAT PRIOR TO THE PRESENT PROPOSAL THAT'S

BEFORE THE COMMITTEE, WE ALSO CONSIDERED SIMILAR LEGISLATION IN COUNCIL PERIOD V. SHOULD A MAJORITY OF THE COMMITTEE WISH TO RECONSIDER THE PENDING BILL OR A SIMILAR MEASURE, I WILL BE HAPPY TO GIVE THEM THE OPPORTUNITY TO DO SO.

FOR MOST PURPOSES IN THE DISTRICT OF COLUMBIA, IT HAS BEEN ESTABLISHED AS A MATTER OF LAW AND PUBLIC POLICY THAT THE AGE OF 18 IS THE AGE OF MATURITY. UPON REACHING 18, A PERSON MAY GET MARRIED, MAY ENTER INTO LEGAL CONTRACTS, AND MAY BE HELD ACCOUNTABLE FOR HIS OR HER OWN DEBTS. ALSO, AT AGE 18 A PERSON MAY VOTE AND MAY BE SUBJECT TO MILITARY DUTY. FOR LEGAL PURPOSES, THE DIVIDING LINE FOR DETERMINING ADULTHOOD MUST NECESSARILY BE SET AT SOME AGE; I BELIEVE GIVEN THE CUSTOMS AND LEGAL STANDARDS OF OUR COUNTRY 18 IS A REASONABLE AND THE MOST LOGICAL POINT TO DRAW THE LINE. AND, I HAVE SEEN NO CONVINCING EVIDENCE FOR SINGLING OUT THE PURCHASE OF BEER OR WINE FOR SETTING A HIGHER AGE FOR ADULTHOOD.

I GUESS WE ALL ARE CREATURES OF OUR UPBRINGING, AND I READILY ADMIT THAT MY UPBRINGING HAS GIVEN ME A BIAS ON THIS ISSUE. I STARTED WORKING TO HELP SUPPORT MYSELF AT THE AGE OF 12 AND HAVE FULLY SUPPORTED MYSELF SINCE I WAS 18. I WAS IN THE MILITARY AT THE AGE OF 18. (I THINK IT'S WORTH PAUSING AT THIS JUNCTURE TO POINT OUT THAT 40 PERCENT OF THE YOUNG MEN WHO DIED IN VIETNAM WERE 19 OR YOUNGER.) NO ONE CAN CONVINCE ME THAT I WAS NOT A RESPONSIBLE PERSON AT THE AGE OF 18, 19, AND 20. AND, NO ONE, ABSOLUTELY NO ONE, BE HE MORTAL OR IMMORTAL, CAN CONVINCE ME THAT THE YOUNG MEN WHO SERVED IN VIETNAM AND OTHER WARS WERE NOT RESPONSIBLE AT THE AGE OF 18, 19, AND 20. HOW CAN ANY RATIONAL PERSON SAY A MAN IS OLD ENOUGH TO GIVE UP HIS LIFE FOR A CAUSE, BUT TOO YOUNG OR TOO IMMATURE TO DRINK A BEER? HOW CAN ANY RATIONAL PERSON COMMISSION AN INDIVIDUAL TO TAKE THE LIFE OF ANOTHER HUMAN BEING, WHEN NECESSARY, UNDER THE

MOST TRYING AND STRESSFUL CONDITIONS, BUT FIND HE IS TOO YOUNG, TOO IMMATURE TO DRINK BEER IN AN ORDERLY SOCIETY? HOW CAN THE STATE SAY TO A MALE AND A FEMALE, YOU ARE OLD ENOUGH TO MAKE YOUR OWN DECISION ABOUT GETTING MARRIED AND RAISING A FAMILY, BUT TOO YOUNG AND TOO IMMATURE TO TOAST EACH OTHER WITH A GLASS OF WINE?

IT SEEMS TO ME THAT IF WE CONSIDER PEOPLE CAPABLE OF FLYING HELICOPTERS OR HANDLING SOPHISTICATED WEAPONS AT THE AGE OF 18, AND GETTING MARRIED AND HAVING CHILDREN, THEN WE CERTAINLY OUGHT TO TRUST THEM TO MAKE A DECISION ABOUT WHETHER TO HAVE A BEER OR A GLASS OF WINE.

I SHARE THE CONCERN ABOUT DRUNK DRIVING AND THE ACCIDENTS AND INJURIES THAT RESULT FROM IT. I AM ALSO CONCERNED THAT THE DISEASE OF ALCOHOLISM AFFLICTS A SIGNIFICANT SEGMENT OF OUR POPULATION, AND I HAVE INTRODUCED LEGISLATION TO MAKE TREATMENT MORE BROADLY AVAILABLE IN OUR COMMUNITY.

THE SOLUTION TO BOTH PROBLEMS IS NOT TO LEAP TOWARD SOME PERCEIVED QUICK FIX THAT WILL HAVE NO IMPACT, BUT TO WORK FOR COMPREHENSIVE MEASURES THAT GO TO THE REAL CAUSES OF THE PROBLEMS. THE SOLUTION INCLUDES VIGOROUS ENFORCEMENT OF THE LAWS AGAINST DRUNK DRIVING AND THE ALCOHOLIC BEVERAGE CONTROL LAW REGULATIONS, AND STIFF PENALTIES FOR THOSE CONVICTED. WE ARE TAKING THOSE STEPS IN THE DISTRICT OF COLUMBIA, AND WE ARE SEEING VERY POSITIVE RESULTS.

THE SOLUTION ALSO MUST INCLUDE IMPROVED TREATMENT FOR ALCOHOL ABUSE, AND LOCALLY WE ARE MOVING TO ENACT LEGISLATION THAT WOULD BRING PROGRESS ON THIS FRONT.

A THIRD NECESSARY ELEMENT OF A COMPREHENSIVE SOLUTION IS A MUCH MORE AGGRESSIVE EFFORT TO EDUCATE YOUNG PEOPLE ABOUT THE DANGERS OF EXCESSIVE AND IRRESPONSIBLE CONSUMPTION OF ALCOHOLIC BEVERAGES, AND TO MAKE THEM UNDERSTAND THAT ALCOHOL IS A DRUG.

IF THE CONGRESS IS INDEED SERIOUS ABOUT REDUCING DRUNK DRIVING, AND DEALING WITH ALCOHOL ABUSE IT WOULD APPROPRIATE THE NECESSARY FUNDS TO LAUNCH AN ONGOING CAMPAIGN OF PUBLIC SERVICE ADVERTISING IN THIS AREA ON THE NATION'S TELEVISION NETWORKS. LET'S DELIVER THE MESSAGE THAT DRUNK DRIVING KILLS AND THAT TOO MUCH ALCOHOL IS BAD FOR YOUR HEALTH. TELEVISION IS THE MOST POWERFUL COMMUNICATIONS MEDIUM EVER DEVELOPED TO SELL A MESSAGE AS WELL AS A PRODUCT. MILLER AND SCHLITZ ARE SOLD ON TELEVISION EVERY NIGHT. BARTLES AND JAMES CAUGHT OUR ATTENTION WITH TWO UNSOPHISTICATED COUNTRY FELLOWS PROMOTING WINE COOLERS. THE MESSAGE DELIVERED ALONG WITH THE PRODUCT PROMOTION IS THAT BEER AND WINE ARE PART OF THE GOOD TIMES EVERYONE WANTS TO ENJOY. IN FACT THE ONLY WAY TO BE HEALTHY AND SLIM IS TO DRINK LITE BEER FROM MILLER -- BREWED THE AMERICAN WAY.

A DIFFERENT MESSAGE OUGHT TO BE DELIVERED ON TELEVISION JUST AS OFTEN AND JUST AS EFFECTIVELY. IT SHOULD BE THE MESSAGE THAT DRINKING AND DRIVING DON'T MIX, AND THAT MODERATION IS THE ONLY RESPONSIBLE COURSE IF ONE CHOOSES TO DRINK AT ALL. THIS SAME MESSAGE -- NOT ONLY ABOUT ALCOHOL BUT ABOUT ALL DRUGS -- SHOULD BE DELIVERED IN EVERY PUBLIC AND PRIVATE SCHOOL IN THIS COUNTRY, STARTING IN THE FIRST GRADE.

THE EFFECTIVENESS OF PUBLIC EDUCATION CAMPAIGNS ON HEALTH AND SAFETY ISSUES HAS BEEN DEMONSTRATED BY THE GOVERNMENT'S 20-YEAR EFFORT TO WARN OF THE HAZARDS OF SMOKING. IN THE PAST TEN YEARS, THE NUMBER OF MALE ADULT SMOKERS HAS DROPPED BY NINE PERCENT -- FROM 42 PERCENT OF THE POPULATION, TO 33 PERCENT. THE DECREASE AMONG FEMALE SMOKERS HAS BEEN MUCH SMALLER. HOWEVER, A BIPARTISAN GROUP OF SENATORS IS TURNING TO TELEVISION AS A MEANS TO ACHIEVE A BETTER RESULT. LEGISLATION PROPOSED IN THE SENATE WOULD AUTHORIZE AN ADDITIONAL $1 MILLION TO DEVELOP TELEVISION PUBLIC SERVICE ADVERTISING ENCOURAGING WOMEN TO QUIT SMOKING.

THE COST OF A TELEVISION CAMPAIGN ON THE DRINKING ISSUE WOULD BE MINIMAL IN COMPARISION TO MANY OTHER FEDERAL GOVERNMENT EXPENDITURES. YET IN AN ERA OF SPENDING RESTRAINTS, IT IS ONLY REASONABLE TO LOOK FOR A SOURCE OF REVENUE TO FINANCE IT. LET ME TELL YOU WHERE TO LOOK -- TO THOSE WHO SELL BOOZE. THE LOGICAL SOURCE IS A SURTAX ON THE FEDERAL ALCOHOLIC BEVERAGE TAX FOR THIS PURPOSE.

IN FACT, THE NATIONAL BUREAU OF ECONOMIC RESEARCH RECENTLY REPORTED THAT RAISING BEER TAXES WOULD BE FAR MORE EFFECTIVE THAN RAISING THE DRINKING AGE IN REDUCING TRAFFIC DEATHS AMONG YOUNG PEOPLE. WHETHER THE LAW PERMITS IT OR NOT, AN 18-YEAR-OLD WHO WANTS TO BUY BEER, WINE OR HARD LIQUOR WILL FIND A WAY TO PURCHASE IT. WE CAN'T EVEN STOP 18-YEAR-OLDS FROM PURCHASING ILLEGAL DRUGS, HOW ARE WE GOING TO STOP THEM FROM BUYING AND CONSUMING A LEGAL PRODUCT THAT IS AS MUCH A PART OF AMERICAN LIFE AS APPLE PIES AND CHEVROLETS. BUT HIGHER PRICES COULD PLAY A MAJOR ROLE IN REDUCING THE CONSUMPTION OF ALCOHOLIC BEVERAGES, AND HELP TO ACCOMPLISH THE INTENDED RESULT.

I URGE YOUR CONSIDERATION OF THIS APPROACH AS AN EFFECTIVE MEANS OF REDUCING DRUNK DRIVING AND ENCOURAGING RESPONSIBLE DRINKING AMONG THOSE OF ALL AGES WHO CHOOSE TO DRINK.

AS I NOTED EARLIER, THE AGE FOR THE PURCHASE AND CONSUMPTION OF BEER AND WINE IN THE DISTRICT OF COLUMBIA HAS BEEN 18 SINCE PROHIBITION--WELL OVER FIFTY YEARS.

LET ME ENCOURAGE YOU TO REVIEW THE EVIDENCE IN THE DISTRICT -- AND NATIONALLY -- AS TO THE AGE GROUPS RESPONSIBLE FOR ALCOHOL-RELATED AUTOMOBILE ACCIDENTS. THE DATA CONSISTENTLY SHOWS THAT IT IS NOT THE UNDER-21 AGE GROUP WHICH CAUSES THE HIGHEST PROPORTION OF SUCH ACCIDENTS. IT LOGICALLY FOLLOWS THAT RAISING THE DRINKING AGE TO 21 WILL HAVE NO SUBSTANTIAL IMPACT ON ALCOHOL-RELATED ACCIDENTS -- AND THE EVIDENCE SUGGESTS THAT

THAT HAS BEEN THE CASE IN THOSE STATES WHICH HAVE RAISED THE DRINKING AGE.

PROFESSORS JACK DESARIO AND FREDRIC BOLOTKIN OF CASE WESTERN RESERVE UNIVERSITY RECENTLY EXAMINED ALCOHOL-RELATED TRAFFIC DEATHS IN 15 STATES THAT RAISED THE DRINKING AGE BETWEEN 1979 AND 1983. QUOTING FROM THEIR REPORT IN THE WALL STREET JOURNAL LAST DECEMBER, "THE PERCENTAGE OF TRAFFIC FATALITIES THAT WERE ALCOHOL-RELATED WAS CONSISTENTLY HIGHEST AMONG THE 21-TO-25-YEAR-OLD GROUP. IN ADDITION, WE FOUND THAT IN 13 OF THE 15 STATES STUDIED, THERE WAS NO SIGNIFICANT CHANGE IN THE PERCENTAGE OF ALCOHOL-RELATED FATALITIES IN THE AFFECTED AGE GROUP. IN FACT, THE PERCENTAGE ACTUALLY ROSE AFTER THE MINIMUM DRINKING AGE INCREASED IN EIGHT OF THE 15 STATES."

DISTRICT OF COLUMBIA STATISTICS ARE SIMILAR. SUPERIOR COURT RECORDS SHOW THAT ONLY 2.1 PERCENT OF MORE THAN 5,300 PERSONS WHO PLEADED GUILTY TO DRUNK DRIVING CHARGES FROM OCTOBER 1982 THROUGH JULY 1985 WERE UNDER 21. POLICE DEPARTMENT STATISTICS SHOW THAT THE LARGEST PROPORTION OF THOSE ARRESTED ON DRUNK DRIVING CHARGES ARE IN THE 31-TO-35 AGE GROUP. IF RAISING THE DRINKING AGE IS TO BE USED AS A TOOL TO CURB DRUNK DRIVING, THEN IT SHOULD BE RAISED TO 35 OR 40 TO HAVE THE DESIRED EFFECT.

PROFESSORS DESARIO AND BOLOTKIN ALSO RECOMMENDED AN AGGRESSIVE PUBLIC EDUCATION CAMPAIGN AS ONE WAY TO REDUCE DRUNK DRIVING. BUT, THEY NOTED, "EDUCATION, WHICH MAY PROVE A MOST EFFECTIVE WEAPON IN THE LONG RUN, DOES NOT LEND ITSELF TO THE QUICK FIX PEOPLE WANT."

LET ME SUGGEST, MR. CHAIRMAN, THAT THE QUICK FIX MAY BE MOMENTARILY SATISFYING TO POLITICANS WHO FACE A GROWING VOCAL CONSTITUENCY ON THE ISSUE OF DRUNK DRIVING, BUT IT PROVIDES NO LONG-TERM CURE TO THE CITIZENS WHO ARE LOSING THEIR LOVED ONES ON AMERICA'S HIGHWAYS. AS LEGISLATORS IN OUR RESPECTIVE FORUMS, WE HAVE A RESPONSIBILITY TO PRODUCE MORE THAN A QUICK FIX THAT, IN SHORT ORDER, PROVES TO BE NO FIX AT ALL.

I RECOGNIZE THAT VIRTUALLY ALL THE STATES HAVE ACCEDED TO THE FEDERAL PRESSURE TO RAISE THE DRINKING AGE. WHETHER THEY DID SO IN THE BELIEF THAT THIS WOULD ENHANCE PUBLIC SAFETY OR ONLY TO AVOID LOSING FEDERAL HIGHWAY FUNDS IS A MATTER FOR THEIR GOVERNORS AND LEGISLATORS TO ADDRESS. BUT IN THE DISTRICT OF COLUMBIA, IT HAS BEEN THE CONSIDERED JUDGMENT OF THE COUNCIL THAT RAISING THE DRINKING AGE WOULD UNFAIRLY PENALIZE A SEGMENT OF THE ADULT POPULATION, WOULD ACCOMPLISH NO PUBLIC SAFETY PURPOSE, AND WOULD HAVE NO OTHER COMPENSATING BENEFITS.

FOUND: COMMON GROUND ON WOMEN WHO SMOKE

[From the New York Times, May 14, 1986]

Special to The New York Times

WASHINGTON, May 14—It is not often that Senators Edward M. Kennedy, the liberal Democrat of Massachusetts, and Orrin G. Hatch, the conservative Republican of Utah, find themselves on the same side of an issue.

But they have found a common ground when it comes to the dangers of smoking, particularly the dangers to women who smoke.

Mr. Kennedy, along with the New Jersey Democrat Bill Bradley and the Rhode Island Republican John H. Chafee, have signed on as co-sponsors of legislation by Mr. Hatch that would provide $1 million for developing a series of public service advertisements aimed at informing women of smoking's risks. Aides to Mr. Hatch say they expect little if any opposition, either in Congress or from President Reagan.

The legislation is particulary needed now, Mr. Hatch says, because although men have given up smoking in record numbers in the last decade, women have been slower to break the habit.

"In the last 10 years the number of male adult smokers has fallen by 9 percent, from 42 percent of the population to 33 percent," Mr. Hatch said. "The bad news is that we have only seen a 4 percent decrease for women over the same time."

As a result, Mr. Kennedy says, lung cancer this year will surpass breast cancer as the leading cause of cancer death in women. Moreover, smoking among young women is actually increasing.

The Office on Smoking and Health, a part of the Department of Health and Human Services, currently spends about $350,000 a year to produce public service advertising, Hatch aides said. So the $1 million will significantly increase the Government's warnings about tobacco for one year. And the bill's sponsors believe more women may begin to get the message as a result.

[From the Wall Street Journal, July 2, 1986]

BRIEFS: Individual retirement accounts would be allowed to buy certain U.S. gold and silver coins under an amendment to the Senate bill. . . . Raising beer taxes could cut teen automobile deaths even more than raising the drinking age, a study for the National Bureau of Economic Research says.

—KAREN SLATER

A SOBER LOOK AT A DRUNKEN DRIVING CURE-ALL

[From the Wall Street Journal, Dec. 31, 1985]

By JACK P. DESARIO
And FREDRIC N. BOLOTIN

Establishing a national minimum drinking age of 21 is not likely to provide an effective solution to the problem of drunken driving—even among teen-agers.

Of the 15 states that raised their drinking age between 1979 and 1983, only in New York and Texas was there a subsequent decline in the percentage of alcohol-related traffic fatalities among the affected age group. In some states the percentage actually increased. And in New York and Texas, the higher drinking age was accompanied by tougher punishments for drunken driving—punishments that applied to *all* age groups and that were not imposed in several of the 13 other states that raised the age during that period.

In 1984, President Reagan signed legislation requiring that states that did not adopt a minimum drinking age of 21 for all alcoholic beverages by 1987 would lose 5% of their federal highway funds. States that did not comply by 1988 would lose an additional 10% of their highway funds.

Far From Proven Solution

At the time he signed the bill into law, President Reagan stated that "with the problem so clear cut and the proven solution at hand, we have no misgiving about this judicious use of federal power." Regrettably, raising the minimum drinking age to 21 is far from a proven solution.

Proponents of a higher minimum drinking age argue that, although those under 21 comprise only about 10% of all licensed drivers, they were involved in an annual average of 24.6% of alcohol-related traffic fatalities from 1977 to 1984. What they fail to point out, however, is that this age group is involved in 29.5% of all *non*-alcohol-related fatalities. Inexperience behind the wheel may account for a large number of deaths in both categories.

Our study examined alcohol-related traffic deaths in the 15 states that raised their drinking age for at least some form of alcohol (beer, wine or distilled spirits) between 1979 and 1983. We compared the percentage of all traffic fatalities that were classified as alcohol-related for at least two years before and two years after a state raised its drinking age. These statistics were calculated for the population affected by the higher age. They were compared with corresponding figures for those under 18, those aged 21 to 25, and those over 25.

The percentage of traffic fatalities that were alcohol-related was consistently highest among the 21-to-25-year-old group. In addition, we found that in 13 of the 15 states studied, there was no significant change in the percentage of alcohol-related fatalities in the affected age group. In fact, the percentage actually rose after the minimum drinking age increased in eight of the 15 states.

These findings suggest two important reasons why the national minimum drinking age, implicitly mandated by the federal legislation, is unlikely to achieve the desired results.

First, a decline in the percentage of alcohol-related fatalities has *not* occurred, even among those directly affected by an increase in the drinking age.

Second, the problem of drunken driving is not age specific. More than 75% of alcohol-related fatalities involve drivers over age 20. Age-specific solutions, such as a higher minimum drinking age, cannot be viewed as a total or, based on our research, even a partial solution to drunken driving. However, despite the lack of evidence that raising the drinking age would be effective, 12 states did so in 1985 and six already have voted to raise the age during 1986—probably in response to Washington's threat to withhold highway funds.

The results of our study do differ from those of previous studies. Some of them looked at the relation of alcohol to all traffic accidents—not only fatalities—and were therefore flawed. Studying data for all traffic accidents does not account for those that weren't reported. All traffic deaths, however, are reported to the Fatal Accident Reporting System, from which we obtained our data. Also, alcohol tests are more likely to be performed in the event of a fatal accident.

Other studies examined the total number of fatalities or employed a surrogate measure of the number of single-vehicle nighttime crashes resulting in death, claiming that a large percentage of these are alcohol-related. Our measures of the percentage of alcohol-related fatalities better controls for extraneous factors such as weather and road conditions and improved safety features.

We found, for example, that the number of alcohol-related deaths among 18-to-20-year-olds in Michigan declined steadily from 227 two years before to 190 two years after the drinking age was raised from 18 to 21. However, the *percentage* of fatalities that were alcohol-related during that period increased steadily from 43% to 51%. This indicates that the decline in the number of alcohol-related deaths simply was part of a general decrease in traffic fatalities. There is no evidence from this that the decline was the result of the increase in the drinking age.

Drinking and driving is a general societal problem that transcends age. Better public-policy approaches must be considered. Punitive actions, such as mandatory imprisonment or mandatory license suspension, if enforced, might serve as a deterrent, although there is not enough evidence to reach any conclusions yet. Improved safety features, such as those that would prevent intoxicated persons from starting their engines, might be considered. Finally, education policies such as driver-education courses and advertisements to heighten awareness of the problem would be of benefit.

The very factors that might make some of these programs effective, however, account for the political obstacles to their enactment. Education, which may prove a most effective weapon in the long run, does not lend itself to the quick fix people want. And all of these alternative approaches involve extra expense to the public.

Short-Term Appeasement

It is easier for the government simply to pass a law affecting a small group whose members wield little political clout, such as people between the ages 18 and 20. This can appease, at least for a while, those demanding a governmental solution to the problem of drunken driving.

It has been estimated that every year about half of the nearly 50,000 people killed on the nation's streets and highways die in alcohol-related accidents. Drunken driving differs from most other major causes of death in that, although we know the cause, we cannot rely on medical research to find a cure. It is similar to other causes of death in that there is no simple answer. It affects all elements of the population. Efforts to solve the problem, therefore, must include programs that affect all those who may drive under the influence of alcohol—regardless of their age.

Messrs. Bololin and DeSario are political science professors at Case Western Reserve University in Cleveland, Ohio. They are authors of a forthcoming book on drunk driving from Greenwood Press.

POLITICAL MOTIVATIONS

Senator LAUTENBERG. I respect your very specific thoughts on the subject. Of course, I disagree. I am the author on the Senate side of this legislation.

While you ascribe political motivation to that which was done here, I would have to say you are right. More people wanted this out of the way than wanted it left the way it was, so it absolutely is political.

More people wanted to save their kids in any way they could. I hear what you are saying about the military. I served 3½ years in World War II. Despite the youthful appearance, I was there.

The fact of the matter is that there have been studies made, and perhaps you are not aware, in some countries other than ours that a soldier over 21 is often a better soldier, more thoughtful, has a degree of maturity; that a young person in a situation that is so tension-filled does not always respond appropriately.

I heard your admonition about good neighbors and about gun control. I come from the State of New Jersey. I am sure that you know something about New Jersey—urban State, most densely populated State in the country—all kinds of problems, all kinds of opportunity, all kinds of vibrancy and challenge.

One of the reasons that I have enjoyed my service on this subcommittee, which is considered freshman duty, is because in so many ways it is microcosmic and it represents for me the problems we have in New Jersey, with an abundance for many and lack of opportunity for more.

Lack of education—you are talking to someone that if you look at my voting record, you will see that I have been more consistent on the issues that you talk about perhaps than many or most in this body.

The examples you use about good neighbors—when a youngster comes here from New Jersey where we have fairly strict gun control laws and where we have a fairly good education system and where we do care—we cannot always solve the problems—about the people who live in our cities and who dwell in our State—when they come to Washington, DC, they are just as subject to an alcohol-related fatality as the kid from Virginia or the kid of Maryland.

You have a right to your point of view, and I respect it. It is intelligently presented, articulately presented. We could engage in a debate about who is right and who is wrong.

The fact of the matter is this is now the law of the land, and simply because people are killed in different situations, whether they become addicted to drugs or they fall prey to speeding vehicles, does not mean to me that we, therefore, drop the rest of the laws and say, what the hell; they are going to die anyway. We might as well let a few more of them go.

THE OLD-ENOUGH-TO-FIGHT ISSUE

Mr. Ray, the issue of Vietnam, the old-enough-to-fight issue—we lowered our drinking age in New Jersey to respond to the Vietnam problem. We felt, in our best-reasoned judgment, that it was unfair to send those kids to war—just war or otherwise, they served their country and they served it according to the direction and instruction they got from their Nation. They did, in my view, what they were asked to do, even though the task was a lousy one.

When we dropped that drinking age to 18, we saw our alcohol-related fatalities increase substantially—treble, in fact. And when we began to raise it back up, we saw an immediate response in the decline in the rate.

We raised the drinking age back to 21 in 1983. We cut the deaths of our young people by more than one-half. In 1985, thanks to tough laws on drunk driving across the board, we had the safest year we have had in the last 21 years.

My State says that 39 percent of the decrease in deaths is directly attributable to raising the drinking age. I hear you say that the District should not join in this national trend.

Did I hear you correctly?

Mr. RAY. I am sorry?

DISTRICT SHOULD NOT JOIN NATIONAL TREND

Senator LAUTENBERG. I hear you correctly, do I not? You are saying that regardless of that, regardless of what we see in the statistics that have been established in State after State and programs that have produced results to the view of many—I hear you say that the District should not join that trend.

Mr. RAY. Mr. Chairman, you certainly do hear me saying that, and let me add, if I may, if you would allow me, to say that you cite statistics. I have statistics, and I think we both know that that is often the case. It depends on who is looking at what, I guess, and which way you look at it.

My statistics certainly do not support the same figures that your statistics support, but I might——

Senator LAUTENBERG. What is the study? What is the statistical base that you use for your observations, Mr. Ray?

Mr. RAY. Mr. Chairman, you cited the Case Western study, which is in my statement. We have looked at many other studies that were done on this.

Senator LAUTENBERG. I would appreciate it if you would submit for the record any other studies that challenge the represented statement by the National Highway Traffic Safety Administration or others that say that we are saving lives.

Mr. RAY. I will do that, Senator, and I just wanted to add that since we are talking about statistics, I have always found it very difficult that if we are going to base this on statistics and the saving of lives—and I will agree with you that every time you can save a life, that is important.

STATISTICAL STANDPOINT AND DRINKING AGE

Just from a statistical standpoint, we ought to raise the drinking age to at least 25. I personally do not see a big difference in saving the life of a 20-year-old and a 21-year-old. I think a 21-year-old life is just as important as a 20-year-old.

Are we suggesting that it is more important to save the life of a 19-year-old than, say, a 22-year-old father of two with a wife?

I would suggest that considerations, of whatever nature they may be, have convinced elected officials that we should not raise the drinking age beyond 21. You know, we could save lives, Senator, maybe even more of young people by outlawing amusement parks, by outlawing football.

Look at the statistics of the number of young people that are paralyzed each year from playing football, that are killed and paralyzed at amusement parks. Those mothers and those fathers suffer just as much when their youngsters die in amusement parks or on a football team as they do in an automobile accident.

Senator LAUTENBERG. At least they put on a helmet when they play football, and shoulder pads and other protective gear, to try their best to save these young people from injury. There is risk in life.

I think it is my responsibility as an officeholder, as a citizen, and as a parent to do as much as I can to save those young lives. I think there is something redeeming in football and sports; I really do.

I think that there is a quality that becomes part of one's lifestyle, part of one's ability, part of one's determination to succeed as a result of athletics. I cannot find the parallel in a drinking age of 21.

We know, also, Mr. Ray—and we will conclude this debate very soon—we also know that the age group 16 to 20 suffered the least growth in longevity in the last 20 years, and the reason for it is directly attributable to alcohol-related accidents.

We differ sharply on this issue, obviously. There is an age, purportedly, of maturity. The statistics show that kids and cars do not handle as well as perhaps some other adults. This is not to say that I condone any drinking and driving, no matter what age.

I am a very strong supporter of all safety measures, and we in New Jersey are very proud of our law enforcement efforts toward the reduction of alcohol and driving. But the fact is that we see reports—for instance, the National Highway Traffic Safety Administration said in issuing its regulations on 21, "Fatal crashes for every 100 million vehicle miles traveled drops from 4.12 for the 18-year-olds to 2.52 for those 22 to 24."

SEEKING AGREEMENT FROM DISTRICT GOVERNMENT

Mr. Ray, we will continue this debate, I hope, for only a short period more, though you feel as strongly as you do. You are certainly entitled to that viewpoint. I am hoping that others in government in the District of Columbia will agree that not only is it good law, not only is it a personal responsibility for each and every one of us that has an obligation to protect the well-being of our young people as well as the community at large, but we will take an action that is more positive that suggests that even though we are distressed by the things that our young people fall prey to and even though we are distressed by accidents in general and we are distressed about our inability to move Canada to a higher drinking age, we ought not to abandon our responsibility in conjunction with that and say, as I earlier said, well, it is going to happen anyway, and therefore what I think I hear you say is why bother.

Mr. RAY. Well, Senator, you did not hear me say that, and I would just like to take exception to you putting words in my mouth. I did not say it is going to happen anyway.

Senator LAUTENBERG. Well, that is what you use for your argument.

Mr. RAY. No; it is not. I said there was a better way, and we disagree with the ways. You think we should raise the drinking age and I think that is a sham.

RAISING DRINKING AGE AS PART OF TOTAL PROGRAM

Senator LAUTENBERG. I think that is one part of the total program. I think we ought to educate youngsters who have the ability, whether they have the money or not. That has been a longtime program of mine.

I think we ought to provide job opportunities. I think we ought to permit people ways to move into the society. I think we ought to do all kinds of things. Look at the record.

EDUCATION THROUGH TELEVISION

Mr. RAY. Senator, I am not just talking about education in terms of someone getting a high school education. Senator, I think that we ought to be on television every night, just like Schlitz and Budweiser are on television every night, telling the other story.

I think this Government, the Federal Government, ought to have a program of putting together first-class educational programs not only about alcohol, which is a drug, but about all drugs, to go into every public school system and private school system in this country. They will start from the first grade through high school.

The way you are going to deal with the problem is by making young people understand the dangers of drugs. That is the way we are going to deal with it. When I talk about education, I am not talking about math, English, economics. I am talking about educating our young people about drugs. Alcohol is a drug.

That is the education I am talking about, and that is the only way we are going to deal with the drunk driving problem We are not going to deal with it by raising the drinking age.

Senator LAUTENBERG. Thank you very much, Mr. Ray.

Now, we look forward to hearing from Mr. Downs. Thank you for being here.

STATEMENT OF THOMAS DOWNS

Mr. DOWNS. Thank you, Senator. I would like to open reluctantly on a personal note. I also served in the service in Vietnam. I have a strong personal reaction to using 18- to 21-year-olds in the service as cannon fodder on either side of an issue.

That debate should have been joined nationally decades ago. It was not. I am reluctant to have that be an issue that I would participate in a debate over now.

I would like to try and address, first, some statistics and some facts. There is a common perception that the District has 18 as a drinking age for alcohol, period. I would like to remind everyone that the drinking age of 18 is for beer and wine, only.

DISTRICT HAS STRONG DRUNK DRIVING ENFORCEMENT PROGRAM

I would like to remind everyone, as Mr. Ray did, that we have one of the strongest overall enforcement programs in the United States on drunk driving, and that our concern is partially that this debate, having become an emotional one, clouds other issues about drunk driving and traffic fatalities that also have to be emphasized and addressed.

In 1983, we had in the District 3,600 drivers arrested for drunk driving. In 1984 and 1985, the arrest figures are well over 1,000 people arrested for DWI in the District. Our Metropolitan Police Department has been rigorous in its enforcement.

Our data indicates, as well, the concern that Maryland and Virginia had when they raised their drinking age that a number of individuals would come to the District, drink, and then be arrested for drunk driving.

Our data indicates that the number of arrests in the under-21 age group actually decreased following Maryland and Virginia's raising of their legal drinking age.

During the period from July to December 1985, there were 195 arrests made, as compared to the same period in 1984 when 202 arrests were made.

Traffic accidents attributed to drunk drivers accounted for 3 percent of the total accidents reported during the calendar years 1983 and 1984, which are the latest years for which the District has complete and accurate data.

The first 6 months of data for calendar year 1985 indicate only 2.3 percent of all traffic accidents were caused by drunk drivers in the District.

An additional factor is the very strong enforcement through MPD. MPD conducts numerous sobriety checkpoints, stopped over 6,000 vehicles, and arrested 257 drivers for DUI at those checkpoints. Only 14 of those were 18- to 21-year-olds who were arrested for DUI, and they represented only .2 percent of the total vehicles stopped during this period.

One of the reasons for the high arrest rate for drunk drivers in the District is our definition of intoxication. In the District, .10 blood alcohol concentration [BAC] is illegal, and .05 BAC presumes that a driver is drunk.

In Virginia, the legal limit is .10. However, in Maryland, the legal limit is .13 BAC and .08 for presumptive. The legal definition in the District is exactly the same as that proposed by the President's 1984 Commission on Drunk Driving.

We have, in other words, adopted the most stringent legal control methods, rigorous enforcement through the Metropolitan Police Department, and we show a lower than national average DUI accident rate. Part of the reason for this low rate is because of our legal standards and our enforcement.

A practical matter, obviously, is the reduction promised in the Federal legislation of $7.9 million in highway fund sanctions. We have to be pragmatic, and that is a cost to all of the citizens of the District.

In addition, we are frank about admitting that we have to be at least cognizant of promises of suburban Members of Congress to take $10 to $20 million of our Federal payment if we do not conform to their expectations about legal age.

We have to take seriously the intent of our suburban jurisdictions, if only because we are not allowed voting representation ourselves where we can have an open forum. We believe in amiable and open relationships with our suburban jurisdictions.

While the Metropolitan Washington Area Council of Governments police chiefs committee has not been able to produce data to substantiate the belief that we have created or will be creating a blood border.

MAYOR TO SUBMIT LEGISLATION

We are, as mentioned in the Mayor's policy statement yesterday, stating unequivocally that we will support changing the drinking age to 21. The Mayor's committee on drinking age made a number of recommendations to the Mayor. One such recommendation is that we ought to be in conformance with the clear national trend toward uniformity; another is that we continue our vigorous educational program and enforcement program for all ages, particularly as our data shows and as Mr. Ray points out, that our real drinking problem in the District is from ages 21 to 26. By far, that is the age group with the problem of drinking and driving.

There are revenue losses on both sides of this issue for the District. In light of those, the Mayor is agreeing with those recommendations, with one exception, the recommendation to phase in the drinking age in a staggered fashion—19, 20, and 21.

The Mayor will submit legislation to the Council recommending an immediate increase in the drinking age to 21. He does not favor a transition period.

As you know, Council acts cannot become effective until completion of a 30-day congressional review period. Therefore, the Mayor will submit two bills. The first bill will declare an emergency in order to immediately increase the legal minimum drinking age. The second bill will be submission of permanent legislation.

The Mayor is urging the City Council to provide strong leadership in this area, since the Council has assumed full responsibility for legislating and rulemaking in the area of alcohol beverage control.

Mr. Chairman, I want to relay to you directly the Mayor's support of his advisory committee recommendations to raise the minimum drinking age to 21. He believes that the District should join the rest of the Nation in this effort, as well as to foster good relations with the Washington metropolitan area, but again wants to reinforce the fact that we have one of the strongest overall alcohol enforcement programs in the country, are proud of it, and it shows the results as much as any change in the drinking age from 18 to 21 will.

Thank you, Mr. Chairman.

PREPARED STATEMENT

Senator LAUTENBERG. Thank you, Mr. Downs. We have your complete statement and it will be made part of the record.

[The statement follows:]

STATEMENT OF THOMAS M. DOWNS

MR. CHAIRMAN, AND MEMBERS OF THE SUBCOMMITTEE, I AM PLEASED TO TESTIFY, ON BEHALF OF MAYOR BARRY, CONCERNING THE LEGAL MINIMUM DRINKING AGE IN THE DISTRICT OF COLUMBIA.

THE DISTRICT OF COLUMBIA OPERATES ONE OF THE MOST VIGOROUS ANTI-DRUNK DRIVING PROGRAMS IN THE WASHINGTON METROPOLITAN AREA - A PROGRAM THAT HAS BEEN REPLICATED IN OTHER JURISDICTIONS. THE DISTRICT OF COLUMBIA ANTI-DRUNK DRIVING ACT OF 1982 (D.C. LAW 4-145) HAS CAUSED A SIGNIFICANT INCREASE IN THE NUMBER OF DRUNK DRIVING ARRESTS. IN 1983, MORE THAN 3,600 DRIVERS WERE ARRESTED FOR BEING DRUNK; AND, IN 1984 AND 1985, THE DISTRICT ARRESTED OVER 5,000 PEOPLE FOR DRUNK DRIVING.

TO FURTHER ENHANCE THE ANTI-DRUNK DRIVING CAMPAIGN, MAYOR MARION BARRY, JR., SUBMITTED A BILL TO THE COUNCIL OF THE DISTRICT OF COLUMBIA WHICH WOULD (1) STRENGTHEN THE DISTRICT'S MULTI-FACETED ANTI-DRUNK DRIVING ENFORCEMENT PROGRAM AND (2) IMPLEMENT PRACTICALLY EVERY POLICY RECOMMENDED BY THE 1984 PRESIDENTIAL COMMISSION ON DRUNK DRIVING.

THE METROPOLITAN POLICE DEPARTMENT HAS MAINTAINED DWI ARREST STATISTICS ON PERSONS UNDER AGE 21 SINCE JANUARY 1983. THE DISTRICT'S DATA SHOWS A MAXIMUM 7.2 PERCENT ARREST RATE FOR PERSONS UNDER 21 WHO ARE CHARGED WITH DWI ANNUALLY SINCE 1983. COMPARABLE DATA FOR

THE 1986 COMPARISON PERIOD (JANUARY-APRIL) SHOWS A LOW 5.8 PERCENT ARREST RATE OF PERSONS UNDER 21 WHO WERE ARRESTED FOR DRUNK DRIVING.

SINCE JULY 1, 1985, WHEN MARYLAND AND VIRGINIA RAISED THEIR LEGAL DRINKING AGE, THE DISTRICT OF COLUMBIA HAS EXPERIENCED NO INCREASE IN THE ARREST RATE OF PERSONS UNDER THE AGE OF 21 FOR DRUNK DRIVING. THE DATA INDICATES THAT THE NUMBER OF ARRESTS IN THE UNDER 21 AGE GROUP ACTUALLY DECREASED FOLLOWING MARYLAND AND VIRGINIA'S RAISING OF THEIR LEGAL DRINKING AGE. DURING THE PERIOD FROM JULY TO DECEMBER 1985, THERE WERE 195 ARRESTS MADE, AS COMPARED TO THE SAME PERIOD IN 1984, WHEN 202 ARRESTS WERE RECORDED. THE DATA ALSO SHOWS THAT WHEN COMPARING THE JANUARY TO APRIL 1986 PERIOD (72 UNDER 21 ARRESTS) TO THE JANUARY TO APRIL 1985 PERIOD (132 UNDER 21 ARRESTS), THE RECORDED ARREST RATE DECREASED 45.4 PERCENT.

TRAFFIC ACCIDENTS ATTRIBUTED TO DRUNK DRIVERS ACCOUNTED FOR 3 PERCENT OF THE TOTAL ACCIDENTS REPORTED DURING CALENDAR YEARS 1983 AND 1984, WHICH ARE THE LATEST YEARS FOR WHICH THE DISTRICT HAS COMPLETE AND ACCURATE DATA. THE FIRST SIX MONTHS OF DATA FOR CALENDAR YEAR 1985 INDICATES THAT ONLY 2.3 PERCENT OF ALL TRAFFIC ACCIDENTS WERE CAUSED BY DRUNK DRIVERS.

AN ADDITIONAL FACTOR IS THE VERY STRONG ENFORCEMENT OF THE LAW BY MPD. DURING THE PERIOD OF JULY 1985 TO MAY 1986, MPD CONDUCTED SEVEN SOBRIETY CHECKPOINTS, STOPPED OVER 6,000 VEHICLES, AND ARRESTED 257 DRIVERS FOR DUI. OF THAT TOTAL ONLY 14 (OR 5 PERCENT)

WERE 18 TO 21 YEARS OLD, AND THEY REPRESENTED ONLY .2 PERCENT OF THE TOTAL VEHICLES STOPPED DURING THIS PERIOD.

MR. CHAIRMAN, AND MEMBERS OF THE SUBCOMMITTEE, ONE OF THE REASONS FOR THE HIGH ARREST RATE FOR DRUNK DRIVERS IS THE DISTRICT'S DEFINITION OF INTOXICATION. IN THE DISTRICT, A .10 BLOOD ALCOHOL CONCENTRATION (BAC) IS ILLEGAL AND A .05 BAC PRESUMES THAT A DRIVER IS DRUNK. IN VIRGINIA THE LEGAL LIMIT IS .10; HOWEVER, IN MARYLAND THE LEGAL LIMIT IS .13 BAC AND .08 FOR PRESUMPTIVE. THE LEGAL DEFINTION IN THE DISTRICT OF COLUMBIA IS EXACTLY THE SAME AS THE LEVEL PROPOSED BY THE PRESIDENT'S 1984 COMMISSION ON DRUNK DRIVING.

THERE HAS BEEN SOME CONCERN ABOUT THE POTENTIAL REVENUE LOSS DUE TO AN INCREASE IN THE DRINKING AGE. HOWEVER, THE D.C. DEPARTMENT OF FINANCE AND REVENUE ESTIMATES THAT THE REVENUE LOSS WOULD BE BETWEEN $700,000 AND $1 MILLION.

ON THE OTHER HAND, THE HIGHWAY TRUST FUND REDUCTIONS COULD AMOUNT TO A SUBSTANTIAL LOSS. THE NATIONAL MINIMUM DRINKING AGE ACT (P.L. 98-363) PENALIZES THOSE STATES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO WHICH HAVE NOT RAISED THEIR STATUTORY DRINKING AGE TO 21. THE LAW REDUCES THE APPORTIONMENT FROM THE HIGHWAY FUND BY FIVE PERCENT IN FY 1987 AND TEN PERCENT IN FY 1988. OVER THE NEXT TWO FISCAL YEARS, THE DISTRICT WOULD LOSE $7.9 MILLION DUE TO THE MINIMUM AGE SANCTIONS. THIS LOSS OF FUNDS DOES NOT INCLUDE POTENTIAL REDUCTIONS UNDER THE GRAMM-RUDMAN-HOLLINGS SEQUESTRATION PROCESS.

ANOTHER FACTOR HAS BEEN THE "BLOOD BORDER" CHARGE AGAINST THE

DISTRICT FROM MEMBERS OF CONGRESS, SURROUNDING JURISDICTIONS, AND VARIOUS ORGANIZATIONS. THERE IS A GENERAL BELIEF THAT SUBURBAN YOUNG ADULTS DRIVE INTO THE DISTRICT TO PURCHASE ALCOHOLIC BEVERAGES AND, AFTER CONSUMING THE ALCOHOL, DRIVE BACK OUT OF THE DISTRICT AND BECOME INVOLVED IN TRAFFIC ACCIDENTS. WHILE THIS MAY HAVE BEEN A CLEAR PROBLEM IN OTHER STATES, IT IS NOT CLEAR HERE. THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS (COG) POLICE CHIEFS TECHNICAL COMMITTEE COULD NOT PRODUCE DATA TO SUBSTANTIATE SUCH BELIEFS.

MR. CHAIRMAN, THERE IS ALSO AN EQUITY CONSIDERATION. FIRST, 18 TO 20 YEAR OLDS CAN ENLIST IN THE MILITARY AND DIE FOR THIS COUNTRY. THEY CAN ALSO VOTE. DENYING THEM THE RIGHT TO EXERCISE THE PRIVILEGE OF DRINKING WOULD SEEM UNFAIR. SECOND, THE DISTRICT IS OFTEN THE TARGET OF VARIOUS CHARGES, CLAIMS AND ACCUSATIONS ON VARIOUS ISSUES. YET, WHEN UNDER ATTACK, SURROUNDING JURISDICTIONS ARE OFTEN QUICK TO SEEK THE DISTRICT'S SUPPORT. FOR EXAMPLE, WHEN SENATOR ALAN CRANSTON (D-CALIF.) INTRODUCED LEGISLATION TO RESTRICT BUILDING HEIGHTS IN SURROUNDING SUBURBAN COUNTIES, THE DISTRICT WAS ASKED TO JOIN IN OPPOSITION TO THAT LEGISLATION. YET, WE HAVE NO REAL INTEREST IN THE BILL BECAUSE THE DISTRICT ALREADY FUNCTIONS UNDER A HEIGHT LIMITATION STATUTE; BUT, WE DID SUPPORT OUR NEIGHBORS.

THUS, MR. CHAIRMAN, THERE IS NO EQUITY FOR THE DISTRICT WITH REGARD TO A NON-RESIDENT TAX, FUNDING FOR METRO, VOTING REPRESENTATION IN CONGRESS, GUN CONTROL, OR AUTHORITY TO GOVERN IN THE SAME MANNER AS

OTHER MUNICIPAL GOVERNMENTS. IN OTHER WORDS, THERE IS A ONE-WAY STREET OF DEMANDS.

ON DECEMBER 13, 1984, MAYOR BARRY ISSUED MAYOR'S ORDER 84-228, WHICH ESTABLISHED THE MAYOR'S ADVISORY COMMITTEE ON TRAFFIC SAFETY. THE PURPOSE OF THE COMMITTEE IS TO ADVISE THE MAYOR, THE CHIEF OF THE METROPOLITAN POLICE DEPARTMENT, AND THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS ON MATTERS RELATING TO TRAFFIC SAFETY, INCLUDING THE PROBLEM OF INTOXICATED AND DRUG-IMPAIRED DRIVERS. ON JULY 22, 1986, THE COMMITTEE ISSUED A REPORT TO THE MAYOR. THE REPORT RECOMMENDED THAT THE MAYOR "URGE THE D.C. CITY COUNCIL TO RECONSIDER AND ADOPT LEGISLATION RAISING THE LEGAL MINIMUM DRINKING AGE IN THE DISTRICT OF COLUMBIA, FOR ALL ALCOHOLIC BEVERAGES, TO 21 YEARS OF AGE.

IN MAKING ITS RECOMMENDATION TO THE MAYOR, THE COMMITTEE TOOK NOTE OF SOME IMPORTANT FACTS:

1. RAISING THE MINIMUM DRINKING AGE TO 21 IS NO PANACEA; AND, A VIGOROUS EDUCATIONAL PROGRAM FOR ALL AGES SHOULD BE CONTINUED AND ENHANCED.
2. THE PERCENTAGE OF 16 TO 20 YEAR OLD LICENSED DRIVERS IN THE DISTRICT IS LOWER THAN THE NATIONAL AVERAGE, BUT THE ISSUE OF A HIGHER MINIMUM DRINKING AGE IS A NATIONAL ISSUE.
3. THE LEGAL AVAILABILITY OF BEER AND WINE TO 18 YEAR OLDS IN THE DISTRICT ALSO MEANS THAT THESE ALCOHOLIC BEVERAGES ARE READILY AVAILABLE TO MUCH YOUNGER TEENAGERS.

4. THE CLEAR NATIONAL TREND IS TOWARD ADOPTION OF A UNIFORM LEGAL MINIMUM DRINKING AGE OF 21.
5. THERE ARE CLEAR ECONOMIC DISADVANTAGES TO THE COMMUNITY ON BOTH SIDES OF THIS ISSUE. THE DISTRICT, ON ONE HAND, WOULD LOSE TAX REVENUES IF IT RAISES THE DRINKING AGE. IT WOULD, HOWEVER, LOSE SUBSTANTIAL FUNDS FOR STREET, HIGHWAY, AND BRIGE IMPROVEMENTS.
6. THE DISTRICT SHOULD CONSIDER TRANSITION TO A 21-LEGAL MINIMUM DRINKING AGE.

MR. CHAIRMAN, YESTERDAY, THE MAYOR ISSUED A STATEMENT ENDORSING HIS COMMITTEE'S RECOMMENDATION TO RAISE THE LEGAL MINIMUM DRINKING AGE TO 21. HE AGREES WITH ALL OF THE RECOMMENDATIONS AND SUGGESTIONS WITH ONE EXCEPTION. MAYOR BARRY WILL SUBMIT LEGISLATION TO THE D.C. CITY COUNCIL RECOMMENDING AN IMMEDIATE INCREASE IN THE DRINKING AGE TO 21. HE DOES NOT FAVOR A TRANSITION PERIOD.

AS YOU KNOW, COUNCIL ACTS CANNOT BECOME EFFECTIVE UNTIL COMPLETION OF A 30-DAY CONGRESSIONAL REVIEW PERIOD. THEREFORE, THE MAYOR WILL SUBMIT TWO BILLS. THE FIRST BILL WILL DELCARE AN EMERGENCY IN ORDER TO IMMEDIATELY INCREASE THE LEGAL MINIMUM DRINKING AGE. THE SECOND BILL WILL BE PERMANENT LEGISLATION.

THE MAYOR IS URGING THE CHAIRMAN OF THE CITY COUNCIL TO PROVIDE STRONG LEADERSHIP IN THIS AREA SINCE THE COUNCIL HAS ASSUMED FULL

RESPONSIBILITY FOR LEGISLATING AND RULEMAKING IN THE AREA OF ALCOHOL BEVERAGE CONTROL.

MR. CHAIRMAN, MAYOR BARRY STRONGLY SUPPORTS HIS ADVISORY COMMITTEE'S RECOMMENDATION TO RAISE THE MINIMUM DRINKING AGE TO 21. HE BELIEVES THAT THE DISTRICT OF COLUMBIA SHOULD JOIN THE REST OF THE NATION IN THIS EFFORT, AS WELL AS TO FOSTER GOOD RELATIONS IN THE WASHINGTON METROPOLITAN AREA.

THANK YOU.

QUESTION OF DEBATE ON MILITARY SERVICE

Senator LAUTENBERG. I appreciate your testimony; it is excellent. Though we may disagree with the conclusion, I do not think that we have let the argument stand in the way of reasoned discussion and hopefully a dialog that results in a continuing better, I think, relationship between the Congress and the District.

I, for one, have long advocated since my service on this subcommittee that the District have the opportunity to make more of its own decisions and to join in as a full-fledged member of the American community.

Mr. Ray said something before that struck me. He said a three-quarters citizen. In some ways, that is quite true, but that is not the issue under discussion today.

You said that you wanted to remove the question of military service from the debate in your opening remarks. Did I hear you correctly?

Mr. RAY. Yes.

Senator LAUTENBERG. I am just curious, Mr. Downs. Why do you make reference in your testimony—you say, first, 18- to 20-year-olds can enlist in the military and die for this country; they can also vote.

If you want to remove it from the debate, why do you bring it back?

Mr. DOWNS. Simply because I think while it is an issue that a number of people would want to raise, we have to recognize that it is an issue that people want to debate about.

I said as I started the statement that I personally have reservations about making that an issue. From my own experience, I have found that it is too easy to make that generation, that group of people from 18 to 21 about military service, cannon fodder.

It has been done in the past and I am reluctant personally, as I said, as a personal note, to engage in that kind of debate again.

Senator LAUTENBERG. I agree with you. That is why I made mention of it here. I was surprised to see it.

COMMISSION'S RECOMMENDATION BASED ON REVENUE LOSS

Mr. Downs, a large part of this debate has been on whether or not revenues are lost, and I was curious about the commission's recommendation. They voted 8 to 2, I believe, to raise the age?

Mr. DOWNS. That is true, Mr. Chairman.

Senator LAUTENBERG. Was that decision made—I did not read the report—was it made based simply on the revenue loss question, or was that something they felt was the right thing to do for the other obvious reasons?

Mr. DOWNS. It was not made on the basis of revenue lost or gained, Mr. Chairman. While it was a fact that was recognized that there are revenue losses on either side of this issue for the District, they simply recognized that there are clear economic losses to the community on both sides.

Senator LAUTENBERG. What compelled them to make the recommendation to raise the drinking age?

Mr. DOWNS. Their debate was around both the issue of conformity and the issue of trying to quiet the debate about 18 to 21. In some respects, they are saying that it does not do a service to the remainder of the program to have the entire debate in the District, for instance, focused on 18 to 21 when there are other substantive issues, including conformance among the other jurisdictions in this area about blood alcohol content, presumptive and legal drunk, so that there is a clear, uniform standard in the area as well.

Senator LAUTENBERG. Mr. Downs, I am reminded here about the report that appeared in the Washington Post that quotes the recommendation. It says, "We think that lives will be saved and injuries avoided by raising D.C.'s drinking age to 21"—the primary reason for the recommendation.

I was not trying to entrap you. I had not seen that, but I did want to confirm, of course, the argument that I make here, and that is that it ought to be for all the right reasons and that we ought to get off the wrong reasons as to why it should be.

BUYING LIQUOR ILLEGALLY FOR MINORS

Mr. DOWNS. There is a recognition as well on the commission debate that there is a trickle-down in age about alcohol purchase. It may not be a problem strictly about arrest records, but we find that if you can buy beer at 18, 18-year-olds are more likely to buy beer for 16-year-olds and 15-year-olds than 21-year-olds are likely to buy beer for 15- or 16-year-olds.

There is a clear fact shown in several studies that the broader the age gap, the less likely it is to buy liquor illegally for other minors.

Senator LAUTENBERG. That certainly helps make the argument, does it not?

Mr. DOWNS. It does.

AMOUNT OF EXCISE TAX TO BE LOST

Senator LAUTENBERG. Mr. Downs, you said that the excise tax that is lost on beer and wine by raising the drinking age might amount to between $700,000 and $1 million. I think the advisory committee's report mentions $6 million, and I am curious as to whether you can suggest why such a huge difference exists.

Mr. DOWNS. The revenue estimate that we used was our Department of Finance and Revenue's estimate of between $600,000 and $700,000 a year. The Hotel and Restaurant Association used a figure based on an estimate of 10 percent of the proceeds of the hotel and restaurant tax that might be attributable to that age group's expenditures within hotels, restaurants, and bars within the District of Columbia, a figure that our Finance and Revenue Department disagreed with.

Senator LAUTENBERG. The impact, however, certainly could be larger if one extends those items that are purchased in connection with liquor.

STATISTICS ON ALCOHOL-RELATED ARRESTS OUTSIDE DISTRICT

You recite proudly the District's record on arrests and reduction in the number of alcohol-related arrests that were made. I wonder if you account for those in your statistical base who might have come to the city, had a few drinks, and were either arrested or injured outside the District directly in your statistics.

Mr. DOWNS. The mention that I made of the Washington Area Council of Governments police chiefs committee attempted to provide some documentation about whether or not that, in effect, was taking place. They could find no conclusive or substantive evidence of that to uphold or disprove that allegation. That was the police chiefs from all the surrounding jurisdictions with our chief.

Senator LAUTENBERG. Perhaps I missed something you said. Did they then put the statistical base together, including the bordering areas, and were you speaking for the whole region when you talked about the reduction in the number of arrests?

Mr. DOWNS. What I was trying to get at was the issue about the blood border being created by the difference in drinking age.The police chiefs from the suburban jurisdictions, through the Council of Governments, attempted to try and get at the statistics about whether or not that is true now, and they were unable to prove or disprove that that was the fact.

Senator LAUTENBERG. So, it is certainly possible that problems related to drinking directly in the District, with arrests made, injuries, accidents outside the area, might not be included?

Mr. DOWNS. They were saying that they just could not prove that there was any impact.

Senator LAUTENBERG. But you have no basis to prove that there was no impact?

Mr. DOWNS. They say they could not—the police chiefs——

Senator LAUTENBERG. They could not prove that there was, but you cannot prove that there was not. Based on the analysis you presented, you cannot say that things did not happen as a result of teenage drinking because your point of reference is the District and its immediate surroundings.

It does not take long to drive 30 or 40 miles and get far away from the District.

Thank you very much, Mr. Downs, for your testimony. We appreciate the opportunity to see you.

Mr. DOWNS. Thank you, Mr. Chairman.

SUBMITTED QUESTIONS

Senator LAUTENBERG. I have some questions from Senator Mattingly to be answered for the record.

[The following questions were not asked at the hearing but were submitted for response for the record:]

QUESTIONS SUBMITTED BY SENATOR MATTINGLY

Senator MATTINGLY. May we have your assurances, as a representative of the Council of the District of Columbia, that the Council will give serious and expeditious consideration to a proposal to raise the minimum drinking age in the District to 21?

Councilmember RAY. Yes. The Council has already given serious and expeditious consideration to the drinking age proposals that were before us, and we will give serious and expeditious consideration to any new proposal that may be submitted.

Senator MATTINGLY. Legislation to raise the drinking age has been introduced in the Council twice since 1983 and public hearings and roundtable discussions held. I have reviewed the Council's report of those. It appeared to me that, in arriving at the decision to report the 1985 bill unfavorably, your Consumer and Regulatory Affairs Committee based its decision primarily on the economic impact of the measure. In fact, one section of the report was a "fiscal impact statement." As I mentioned in my remarks, I believe the issue is primarily a safety question. Can you assure us that the issue of safety will be seriously and carefully addressed by the Council and not be subordinate to the fiscal considerations?

Councilmember RAY. The Committee did not base its decision primarily on the economic impact. The fiscal impact statement is included in the report because Council rules require such assessments for all bills considered by the standing committees. If we were basing a decision solely on fiscal impact, we would raise the drinking age because we probably would lose more money by not raising it. The Council has always considered safety a paramount issue in its deliberations on the drinking age, and will do so in considering any new proposals submitted to us. I want to make it clear that in no way do I plan to support or vote for raising the drinking age. I think it is unfair, discriminatory, unenforceable, and bad public policy. While I agree that the safety issue is important, it is no more important for those who are 18, 19, and 20 years old than it is for those who are 21 to 25. If we are truly concerned about saving lives, then we ought to stop adults from drinking and driving because adult drunk drivers kill and injure far more than under-21 drunk drivers.

CITY ADMINISTRATOR/DEPUTY MAYOR FOR OPERATIONS

Senator MATTINGLY. Mr. Downs, as I mentioned, I am pleased that Mayor Barry has announced his support for the 21-year drinking age for the District. Can we expect his active involvement in the public debate? What form will his active support take?

Mr. DOWNS. The Mayor will transmit emergency and permanent legislation to the City Council when it returns from its summer recess. He will actively work to convince the Council to enact both bills.

PANEL III—NONDEPARTMENTAL WITNESSES

STATEMENTS OF:

LOUIS L. HERZOG, PRESIDENT, NORTHERN VIRGINIA CHAPTER, MOTHERS AGAINST DRUNK DRIVING

JERRY SACHS, PRESIDENT, CAPITAL CENTRE, AND HEAD, WASHINGTON REGIONAL ALCOHOL PROGRAM

CHUCK HURLEY, DIRECTOR OF LEGISLATIVE AFFAIRS, WASHINGTON REGOINAL ALCOHOL PROGRAM

TEEKIE WAGNER, WASHINGTON CHAPTER, AMERICAN ACADEMY OF PEDIATRICS.

INTRODUCTION OF WITNESSES

Senator LAUTENBERG. The next panel includes Mr. Lou Herzog, who is the chairman of the Fairfax County Mothers Against Drunk Driving [MADD] group; Jerry Sachs, president of the Capital Centre, and head of the regional alcoholic program; Chuck Hurley—do I see Chuck here? Oh, my gosh, I am sorry. We spent so much time together in development of this legislation, I have not forgotten you, honestly. You just look so much healthier and younger than when I saw you last.

We also have Dr. Wagner from the Children's Hospital. We will ask you, Mr. Herzog to start first, if you would, with your testimony. We welcome you here, of course, all of you.

STATFMENT OF LOUIS HERZOG

Mr. HERZOG. Thank you for inviting me here today, Senator. I am here today representing the MADD organization, both the national MADD organization and the Virginia MADD organization, of which I am both the president of the northern Virginia chapter and the chairman of the State coordinating committee.

However, the real reason that I am here today is because 4½ years ago, my daughter, Susan Herzog, was killed by a 17-year-old drunk driver. This particular incident occurred in Virginia, and at that time the drinking age in Virginia was 18. If we had had a 21 drinking age in Virginia at that time, Susan might be here with us today.

I only use that as a point of reference because I am sure all of us here are either parents, grandparents—as Mr. Ray said, he is also a parent—and we take a different perspective of it, particularly myself.

Being deeply involved, I am one of Mr. Ray's emotional-type people. As you can see, I get very emotional about this subject. Four and one-half years ago, my wife and I got into this fight after Susan's death.

You will find this hard to believe, most probably, but I do agree with Mr. Ray that the 21 drinking age will not solve the problem of drunk driving by itself. My wife and I agreed 4½ years ago after Susan's death that there is not one solution to the problem of drunk driving.

We are not looking for one solution to the problem of drunk driving, sir. We are looking for 25,000 ways to solve the drunk driving problem, which is the amount of people that were killed when Patty and I joined the fight.

EDUCATION PROGRAM IMPLEMENTED IN VIRGINIA

It has to be a coordinated program, and I support Mr. Ray on that particular point where he talks about education. In Virginia, we have implemented an education program from kindergarten through 12th grade. The District is trying to do that, I understand, and should do it.

However, that is not really the problem. We will and we should educate our kids, and hopefully, as you and I get grayer and older and do not have the time to—yours is not gray. Mine is gray when it comes out; yours is more white.

As we get older and cannot take up this battle, the next generation of children will take up the battle with a different attitude toward drinking and driving.

I am here today to tell you that I talk to a lot of Fairfax County Police Department people when I ride along with them, and I am not really sure that the amount of drinking in Virginia has changed significantly. It has started to change because of the enforcement that is taking place, and kids are really not able to get as much alcohol in Virginia as they were before because we are enforcing the 21 drinking age.

But I see a different attitude in the kids when I work with them and I talk to them. Their attitude is friends do not let friends drive drunk, and that has come about as a result of a different attitude toward drinking. It has come about as a result of moving that drinking age up and making them more aware of the dangers that take place.

That will take another 10 years. Patty and I agreed to devote about 10 years of our lives to this fight, and that is what it is going to take to start changing those attitudes, so those kids who were in intermediate school and high school when Susan died will become our judges, our lawyers, our legislators, our city councilmen, and they will have that different attitude toward drinking and driving.

I think I most probably have seniority on both you and Mr. Ray. I had 29 years in the military, 29 good years in the Navy. I started as an enlisted man and I left the Navy as a Navy captain, an O–6.

I worked very closely with some of the people in the Navy, not necessarily Mr. Lehman, who opposes the 21 drinking age in the Navy. The people in the Navy and the Department of Defense that I worked with tell me, and I know from my past experience, that the biggest killer of our military is drunk driving. We have statistical data to back that up; there is no doubt about that. I will tie that into what I am saying in just a second, sir.

HOME RULE ISSUE

There are two major issues we are talking about today. One is home rule, and I think that the President and the Congress were very clear 2 years ago when they put the legislation in and said, yes, every State should be able to do what it wants to. However, if you do what you want to do, there is a penalty that you will have to pay for doing that.

The States that knew what the problem was and earlier had gone to a lower drinking age moved it back up well before that law ever came about because they saw the problem like New Jersey and did it.

Those States that were a little bit reluctant and were making a few bucks off of it said, we cannot afford to lose that highway money; we are going to do it. And they have done it.

Right now, there are seven recalcitrant States and one District who have basically made up their minds that they are not going to do that. After 4½ years in this fight, it gets down to a matter of money is what it really gets down to.

When it hurts enough, somebody does what he has to. That is why Virginia went to 21; there is no getting around it. We gave up the battle at the Virginia Legislature level and moved up here to the Federal level, and when the pinch got too tight for the good old boys in Richmond, they went to 21.

That is what is going to happen here sir, I am here to tell you today. We can spend a lot of time and effort, but when the pinch gets tight enough, then the law will change, and that is just the basic fact of it.

But in the area of home rule, the District has decided to have 18, and it is the only State that allows wine to be served to people at 18 now. Colorado still has 3.2 beer, but it is the only other State at 18. So there are two areas in the United States now that you can buy at 18.

But if you will look at my chart, what you really find is that there is not really a blood border around the District, although that is there. As statistics build, Mr. Ray and the City Council members who voted against the 21 drinking bill will be held responsible for those deaths that take place outside of the District.

We will hold them responsible for those when they drink in the District and go out and get killed. We will bring that to their attention.

DRINKING AGE ON AREA MILITARY BASES

But, in effect, because of DOD rulings, what happens is that every military base within 50 miles or 1 hour of the District has an 18 drinking age. What, in effect, that does is it makes pockets throughout Virginia and Maryland of bases where our young military people can drink at 18.

Now, this is going to sound rather crass to you, but being an ex-military man, I can talk to my military friends this way. I told the Department of Defense and the people I talked to that if they could guarantee me that they would keep all of their military people on their base where they could only run into each other and cause drunk driving crashes on their own bases, my fight would be lessened against them. I would not give it up because I still feel for the families and friends that are on those bases.

But the military cannot guarantee me that and, sir, you will find, if you look in the arrest records of the Arlington Police Department and others that there are military people who are below 21 who leave those bases and drive on the streets of the District, Maryland, and Virginia.

That will continue until the District goes to a 21 drinking age or until Congress tells the Department of Defense to close it up and go to the State that you are in. One of those two things will have to happen.

I am most probably using more time than I should, and I will move right along.

Senator LAUTENBERG. We will need to in order to hear the other witnesses.

Mr. HERZOG. Yes, sir.

Senator LAUTENBERG. Your testimony is excellent. Having had the experience directly, it gives you a certain credential that few of us would like to have, Mr. Herzog, but the message is there to help others and I understand it very clearly.

Please, if you could summarize.

Mr. HERZOG. Yes, sir.

ALCOHOL IS GATEWAY DRUG

I think that most probably the second most important part of this is that we hear a great deal from the government in the District speaking about the problem of drugs in the District, and I do not think the District is unique in that. I think we have that in Virginia and New Jersey and Maryland and other places, too.

But I think that if you contact the experts or if you have listened to the experts, the gateway drug for all other drugs is alcohol. It is the cheapest, most easily available, and it is the one people start on in 95 percent of the cases.

When you have an 18 drinking age, the slopover age that other people have talked about is down to 14 and 15. Now, studies that we are getting show even more that it is dripping down into the lower ages.

If we can move that drinking age to 21, we will solve part of that problem, and the District then can attack their real problem, which is educating those people toward that instead of trying to keep the alcohol and drugs away from them. They can spend the money and the effort to do that.

A person does not become an alcoholic magically at age 21, sir. You and I know that. They happen to manifest it between 21 and 24 when they are out of school or college and have jobs and are able to spend the money and buy the cars to do what they want to do.

But they acquire that alochol problem, and all of the experts in the field will tell you that they are more likely to become alcoholics at an early age, and you know that as well as I do from the studies, than they are at a later age when they are more mature and their bodies are not growing.

So the 21 to 24 argument is a bunch of junk, as far as I am concerned, sir. Basically, the argument is if we can get them up to around 20 or 21 or 22 and reach that age of maturity, then we are over the hump and then we can fight the other battle.

I would venture to say that there is no difference in the District than there is in my Fairfax County. Eighty-five percent of the people that are in Sheriff Hogan's jail have been either on drugs or alcohol when they committed the crime that they committed.

I would suspect, sir, if you would go to the District jail or Lorton and do that same survey, you would find those same statistics.

The District puts a lot of money into rehabilitation and into drug and alcohol abuse programs, and I compliment them on that. However, if we do not stop this at the source, we can continue to pour money down this rat hole at the top ad infinitum, and there is no need for that, sir. We can cut it off at the low end and start moving it up.

AVERAGE ALCOHOL CONSUMPTION RATE IN DISTRICT

I really thank you for having me here today and if you have any questions about anything—oh, I wanted to mention one other thing. Records from the data base, and I am not sure that all the District people drink this much, but in the District, based on the National Institute of Alcohol data base, the consumption rate in the District is 5.4 gallons per capita, based on those who are 14 or over.

That might not shock you too much unless you realize that the national average for consumption of alcohol is 2.69 gallons per capita.

Senator LAUTENBERG. Almost double.

Mr. HERZOG. Yes, sir; so I think that there is a significant problem there, and I would suggest that the committee may want to look at some of the ways that the District is spending their money and how they are doing it before the appropriations are given to the District this year so that we can study this in depth and find out really what the problem is, how much money is being spent and where it is being spent.

Once we determine that, then maybe we can release the funds to the District for the coming year, sir.

Thank you.

PREPARED STATEMENT

Senator LAUTENBERG. Thank you, Mr. Herzog. Your complete statement will be made part of the record.

[The statement follows:]

STATEMENT OF LOUIS L. HERZOG

My name is Lou Herzog. I'm the president of the Northern Virginia chapter of Mothers Against Drunk Driving, Chairperson of the Virginia MADD State Coordinating Committee and today I am speaking on behalf of MADD National. However, the real reason I am here to speak to your subcommittee today is 4 1/2 years ago my 18 year old daughter, Susan, was killed by a 17 year old drunk driver in a head-on crash. Although the young man had not purchased or consumed alcohol in the District that night of 31 December 1981, Susan might be alive today if a 21 drinking age had been in effect in Virginia. My wife and I know the grief and pain that results from the aftermath of drinking and driving by young individuals, and I do not want any of the residents of the District, Maryland or Virginia to experience the needless grief that we and so many others have experienced. I am before you today as a parent, as so many of the others that will be testifying today are, and I am asking you to take whatever steps may be necessary to encourage the District to change their drinking age to 21 as soon as possible.

I would like to cover two areas I believe are critical to a 21 drinking age in the District.

First, let's discuss the issue of home rule. We are constantly reminded that the District should and does have the right to establish its own laws and rules. I agree with that. I believe the Congress does also, except when a rule or law presents a clear and present danger to an adjacent or surrounding area.

I believe the Congress also agrees, because two years ago they voted for a program that would withhold funds from states and jurisdictions that did not have a 21 drinking age for all alcohol. This law came into effect because of the blood borders that existed between states that had lower drinking ages than their neighbors. Last year the Congress reinforced this ruling with a permanent sanction against those who did not have a 21 drinking age. There are some recalcitrant jurisdictions who would, for financial or other unexplained reasons, not enact a 21 drinking age.

The District has decided to be one of these, and by so doing, has decided that it wants to allow young District residents to have access to the gateway drug of choice for the younger generation of the District. It also negates all of their efforts to break the chain of substance abuse and allow the next generation of District residents to have a fighting chance to say "no" to drugs and alcohol and be all that they really could be.

The decision not to raise the drinking age to 21 by Mr. Ray and some of the members of Mr. Ray's Committee in an unannounced meeting last September, has nullified the 21 drinking age in Northern Virginia and the areas of Maryland adjacent to the District. Mr. Ray and other members of the District say they do not have a problem and point to statistics to prove their point. However, a talk with any teenager in the District, Maryland or Northern Virginia, and a Friday, Saturday or Sunday night spent in Georgetown will give you the truth and "facts" about the problem surrounding Mr. Ray's statistics. The facts are that the District has the highest consumption rate in the United States and one of the highest, if not the highest, alcoholism rates in the United States. Experts will tell you that access to alcohol at an early age is a significant factor in alcoholism among teens and preteens and in setting the pattern for alcoholism in later life. A "not for attribution" talk with teenagers in Northern Virginia and Maryland will convince you that the District is the place they go when they want to buy alcohol for a party at home or to consume alcohol on the premises.

The decision by Mr. Ray and his Committee has also created mini blood borders around every military base within 50 miles of the District because all bases within 50 miles or one hour driving time of a state with a lower drinking age can use the lower age limit. This not only places the military person in jeopardy when he or she leaves the base, but also puts the community at risk, all because of the District's 18 drinking age for wine and beer.

In the end, Mr. Chairman, it all boils down to my second point - MONEY.

The states and jurisdictions that understood the problem and decided to do something about it, did so before the Congress enacted the legislation that, in effect, said you can do what you want but there is a price you must pay to inflict the death and suffering caused by a lower drinking age.

However, money talks, and now all but seven states and the District have laws that prohibit people younger than 21 from purchasing and consuming alcohol.

The word we get from the Executive Director of the Beverage and Restaurant Association, Mr. Maher, and government officials is that they would lose six million dollars in revenues from lost sales to the under 21 crowd, which they say overshadows the 2.6 million dollars they would lose in highway construction funds in 1987 and five million dollars they would lose in 1988.

First, I question the six million dollar estimate, and second, it is a sad state of affairs when government decides it has to use blood money from sales of alcohol to the age group that has the highest death rate from alcohol related traffic fatalities to make up for the losses. I'm glad I don't have to make my money from pushing alcohol to individuals under 21.

Mr. Chairman, it may be time to hold up the D.C. appropriations until a thorough and extensive study can be completed to determine how much money the District is making from the sale of alcohol to individuals under 21, the real extent of the problem of underage people coming to the District to drink, and the impact of this lower drinking age on the drug and alcohol problem in the District.

RAISING DRINKING AGE DOES NOT SOLVE DRINKING PROBLEMS

Senator LAUTENBERG. Mr. Herzog, I heard you say initially that you agree with Mr. Ray on this and on that, and when I hear what you concluded, I would not want you to agree with me, I would tell you that.

The fact is that your testimony is very important and you made a point that I hope was not missed in any of my remarks. I do not think that raising the drinking age to 21 solves our alcohol problems, our drug, or any of our other addiction problems.

We have enormous societal problems that we have to attack. This looks like one place to get our hands around it, to do something that is positive. Coming from a parent who has lost a child—an experience that none of us ever wants to have—the message is just a little bit clearer, and we thank you for being here and commend your work and ask you to continue to do it. Do not relent.

Our next witness is Mr. Jerry Sachs.

STATEMENT OF JERRY SACHS

Mr. SACHS. Good morning, Senator. My name is Jerry Sachs. I am a businessman here in the Washington metropolitan area. I am the president of the Capital Centre and executive vice president of the Washington Bullets.

Senator LAUTENBERG. Do you know Abe Pollin?

Mr. SACHS. He signs my paycheck. I know him, indeed.

Senator LAUTENBERG. We are old friends.

Please go ahead, Mr. Sachs.

Mr. SACHS. Thank you.

In 1982, a group of us here locally decided that 200-plus people dying in the Washington metropolitan area as a result of driving and drinking was insane, and that this was an issue that perhaps we could affect; we could do something about it. I myself, as a citizen of this area, could do something to reduce these fatalities.

FORMING OF WASHINGTON REGIONAL ALCOHOL PROGRAM

So a group of us got together and we formed what is now called the Washington Regional Alcohol Program [WRAP]. The basis of WRAP is to join a coalition of private and public sector volunteers working together to attack driving and drinking in the metropolitan area, and this is somewhat of what I think you are addressing.

We are looking at the overall problem. We are not looking at specifics in and of themselves. We are looking at how do we attack this concern on a regional basis. Indeed, we believe that drinking and driving is a regional concern in the Washington metropolitan area, specifically here because of the jurisdictions that one crosses in the course of daily activities.

Each political subdivision in the metropolitan area around Washington, including the District, I might add, supplies a representative to our group. In addition to that, we have civic groups. Lou Herzog is a representative from Northern Virginia MADD. The Junior League are members; the JC's are members.

We also have a number of private businesses. We feel that in order to attack this problem, we have to do it throughout our community, including the private sector—a very critical element, we feel, in getting to the root of this problem and attempting to solve it.

We have members that include Giant Food, AAA, GEICO Insurance, the Automobile Dealers Association in Washington, Woodie's. The National Safety Council is a member; the Board of Trade in downtown Washington; advertising agencies; and, of course, the Capital Centre and the Bullets and the Capitals, among others.

What we try to do is to provide liaison to law enforcement groups throughout our region among all of our jurisdictions. We encourage them to have sobriety checkpoints. We try to coordinate their activities, tell them when we are doing a major public awareness campaign and hope that they will come along with us and support us.

We advocate and testify for favorable legislation. Lou has been a strong advocate in Virginia. We go up to Annapolis annually to attempt to get the Maryland Legislature to enact strong legislation.

Indeed, we are here today because of our concern and our strong feeling that the District, as the hub of our region, needs to enact this legislation.

In addition to this, we think we have an opportunity to affect public awareness of the issue of driving and drinking, and thus we conduct four seasonal campaigns around the calendar, and I will just tell you about one of them to give you an idea of the type of work we do.

PROJECT GRADUATION

For the last 4 years, we have had a campaign that we call Project Graduation. It is directed at graduating high school seniors. We think that they are a very vulnerable group and we know the rite of passage means drinking, certainly, in our area, and we are very, very concerned about that. Let me tell you a little bit about what we do.

We have different advertising agencies over the past years create a public service campaign—radio, television. We deliver these spots to all of our media in the area. We go to all the disc jockeys in the region, particularly the top 40 stations, and we give them a list of all the proms and graduations and we ask them to talk to the young people the day of and the day before their proms and graduations and encourage them to have a great time, but we also implore them not to drive and drink. We think we reach them because these are the people they listen to.

We put out brochures to parents. We tell the parents what is likely to happen during this graduation period. We also tell them what their liabilities may be, should parties be held at their houses and, in fact, accidents and deaths occur as a result of drinking at their residences.

We also institute a dial-a-ride program so that any youngster who finds that he or she cannot get a safe ride home after a prom or a graduation need only to dial a telephone number and a car or a taxi will be dispatched to bring that child home, no questions asked.

We also provide reminder cards in corsage boxes that the young women receive. We put reminders in tuxedo pockets throughout the region, and obviously we have the cooperation of the florists and the formal wear industry here.

On every prom table throughout the region, we have reminder cards. At the bathrooms at the hotels, we have posters telling the kids to enjoy themselves, but to cool it when it comes to driving and drinking.

We also suggest to high schools throughout the region that they take on individual school-based activities.

That is the kind of thing that we do four times a year in the spring, summer, fall, and winter. With our metro area claiming more than 200 deaths in alcohol-related crashes, driving and drinking is obviously a regional issue.

As long as 18 is the legal drinking age in the District, then it is, in effect, 18 for all the surrounding jurisdictions. Obviously, what maximizes jeopardy and concern is the fact that young, inexperienced drivers are doing the drinking in the District and then have to drive home after imbibing.

We commend the subcommittee on your work. We are anxious that, as Lou said, we feel that the way to do this is economic pressure, and we are delighted to testify and tell you what else is going on throughout the metropolitan region of Washington.

ENCOURAGING PRIVATE SECTOR TO PARTICIPATE

Senator LAUTENBERG. Thank you, Mr. Sachs. Your testimony is very helpful. It gives us some ideas on how to encourage others to participate. Since I come from the corporate sector, which was what I did before I came to the U.S. Senate, and you make prominent the role that the private sector has in a program like this, it is essential, it is much more effective, and I think the two of you obviously know each other and have been together on other occasions.

The process is one of awareness, and that is the largest effect of all this. If we can change the view, the perspective—you talked about the rite of passage. When my youngest daughter, who is now 21, was 16, she wanted to have a party at the house. We have a nice house in New Jersey, and I always welcome the kids' friends. I would rather have them at my house than any other place that I know.

She asked if they could have wine in their punch, and I said no. Beer? I said not here, I said, because I do not consider this a sign of your coming of age. To permit you or to encourage you to drink is not my idea—I said if your friends want to come, we will feed them perhaps until they cannot stand it anymore, but beyond that there is no alcohol.

She debated and talked to her friends about it and decided to go along. They had a good time. Maybe there was some fantasy about the fact that they might have had a better time, but I can tell you this: She is now a junior in college and she goes to school in New York State.

She says, Dad, you cut off the drinking for all of my friends; if I could conceal my identity at times, I would do it. [Laughter.]

But she said, we talk about it a lot and we are all pleased that that is what has happened. Each one of us has a friend who has a friend, someone who either lost their life or lost their ability to function as a result of alcohol and driving, and if you stop that, Dad, you are our friend.

That is the way we like to see the young people, and we are changing the mind set. We have to keep working at it.

The next witness is Chuck Hurley. Chuck, welcome; good to see you.

STATEMENT OF CHUCK HURLEY

Mr. HURLEY. Good to see you, Senator. I come to you wearing several hats today. As you know, I run the Washington Office of the National Safety Council, but I have been privileged to work with Jerry Sachs for a number of years as chairman of the Legislative Concerns Committee of WRAP.

I also am the parent of two District teenagers, with one more to come. The views of my 17-year-old daughter are very similar to your 21-year-old daughter. She understands and appreciates what I do. She wishes I would use a different name sometimes.

I would like to submit my statement for the record and respond to a number of points that have been raised in this limited time.

ISSUE OF LEADERSHIP

The first is the issue of leadership. I have had the personal privilege of seeing your leadership, Senator, first hand throughout the development of the legislation, and would like to join others in saying that it was strong, consistent. Without you, we would not be in the situation we are today with 43 States, in fact, at 21.

As has been pointed out, there are several hundred families in the United States today whose lives have not been devastated because of the action that you took. You were the original sponsor of the legislation, and you are officially commended by the National Safety Council, by WRAP, and by families everywhere, I believe.

Also, on leadership, we very much commend from WRAP the leadership of Mayor Barry in coming out for the drinking age of 21, and his advisory committee, chaired by Judy Stone, that took a very strong position.

That is what this issue takes to make progress, and leadership is the key factor

HOME RULE ISSUE

A number of the other issues that have been raised—home rule, for example—I am a longtime District resident. I believe in home rule. This is not a home rule issue. The District is not an island.

As the map indicates, not only do the immediate borders of the District create a problem, and not only the borders of military bases, but because the District is the only jurisdiction on the east coast, and soon to be probably the only jurisdiction in America, still serving real booze at 18, this is more than a home rule issue.

I would support the efforts that have been mentioned by Congressman Mike Barnes, Congressman Frank Wolf, and yourself. I might add that Mike Barnes and Frank Wolf have been in this fight from the beginning. Their support also has been strong and consistent.

SCHOOL ISSUE

The school issue—it has been mentioned many times that an 18-year-old drinking age means that alcohol is readily available in the schools. We were indeed pleased to see Superintendent McKenzie and School Board President David Hall come out in support of 21 in advance of the Mayor, and we very much appreciate that and understand the reasons why that is, in fact, good policy.

SPLIT DRINKING AGE

One other issue that was raised was the split drinking age—an 18 age for beer and wine and 21 for hard liquor. There simply is no rational basis for that, other than perhaps the beer people may have a better lobby.

An alcoholic beverage of any variety is an alcoholic beverage. They are equally intoxicating, and a split drinking age is not something that makes good public policy in any jurisdiction.

The Council of Governments' recommendation and its survey have been mentioned several times. Three years ago, in fact, they did make a strong recommendation to the District following the enactment of Maryland in 1982 of 21.

Virginia responded, I might add, with some assistance from you, Senator, and it is now the District's turn. The study that was mentioned was conducted by Chief Flaherty of the Prince George's County Police at the request of Jerry Sachs.

BLOOD BORDER DOES EXIST

It has been pointed out, and it will probably be pointed out by others, that this does not prove conclusively that the blood border exists. I disagree. There are 274 alcohol-related crashes that are documented in a 6-month period there under 21.

As has been indicated, of the 70-odd people under 21 who responded when asked where they got the liquor, they said it was from the District of Columbia.

As far as the numbers of deaths in this jurisdiction being somewhat below that nationally, and particularly under 21, I say that is terrific. I sure do not want my kids, as District residents, to be the statistics to prove that, yes, the District is part of this Nation.

The research that has been mentioned by others and is in my statement as well is, in fact, valid. Some would have you believe there are studies on both sides of this issue. In fact, that is not true.

RESPONSIBLE STUDIES BACK 21 DRINKING AGE

The National Safety Council does not know of a single responsible study that does not come to the same conclusion that the Department of Transportation and the Insurance Institute for Highway Safety have come to that the 21 drinking age is a significant part of the solution, not a panacea, as you and others have said.

But those who point to studies like the Case Western study and others—in fact, most of them know these are discredited studies. I think it should not be left unsaid that there is no responsible study that has come to any other conclusion.

FINANCIAL POINT OF VIEW

Money has been mentioned as an issue. We do not see the issue from a financial point of view I think it has been mentioned a statement as high as $6 million income loss. I think the District of Columbia's figures are probably more responsible, indicating that it is probably less than $1 million.

Statements have been made that as many as 10 or 13 percent of District bars would have to close as a result. We have not found that to be the case in the 43 States that, in fact, have gone to 21, as you know from New Jersey and around the country.

But, in fact, if their business is so dependent on selling booze to kids, I wonder why they would be going out of business. There are plenty of other opportunities and, in fact, the restaurants in this region have been very responsible and very cooperative with a number of the programs of the Washington Regional Alcohol Program. They have been some of the leaders in the country in designated driver programs.

I believe very strongly that the restaurant and beverage industry in this town will respond very positively, and we expect to work with them in the future.

COMPARING AREA DRUNK DRIVING LAWS

A lot has been said about the District drunk driving program, and it would perhaps leave the impression that the District does not have a good drunk driving program. I would like to support what Tom Downs and others have said.

In fact, the District has an excellent drunk driving program, with one glaring exception, that, of course, being the drinking age. When they go to 21, and I expect very much that they will go soon, the District, in fact, will have drunk driving laws substantially superior to those in Maryland and Virginia.

Very specifically, in the area of license revocation, the District has a .10 administrative license revocation on a per se basis, which is excellent and perhaps the keystone of a drunk driving program.

Virginia, sadly, has just gone this year to a .10 per se, but does not have an administrative revocation process. Maryland has one of the weakest laws in the country in this regard, at .13 prime facie for intoxication and .08 for impairment.

In fact, Mayor Barry could easily say, once 21 is enacted, that it is time for the Governors of Virginia and Maryland to come up to the standards of the District and enact a comprehensive program, as has the District, once that drinking age change is made.

Thank you very much, Senator, and I would be glad to respond to any questions.

Senator LAUTENBERG. Chuck, as usual, your statement is very clear, to the point, and very positive and very helpful, and we are pleased to see you.

Dr. Wagner, we welcome you. Though last, that does not mean we are in any way less interested, nor are we fatigued from hearing your presentation.

STATEMENT OF TEEKIE WAGNER

Dr. WAGNER. I will make this quite brief, actually. I am here on behalf of the D.C. Chapter of the Academy of Pediatrics. I am chairman of the Accident Prevention Committee for the local chapter. I am a D.C. resident and a D.C. pediatrician at G.W. and Children's Hospital.

I do not want to belabor the statistics that have been gone over and over here. I would like to make three points about the statistics, briefly.

The first point is that auto deaths is the No. 1 pediatric problem today, the No. 1 killer in every age group beyond the nursery period. About 4,500 kids are killed from 1 to 14, and about 7,000 teenagers are killed per year in comparison of that 1 to 14.

Teenagers have the highest death rate, as we have discussed here this morning. It is about three times any other period.

Of course, these statistics do not even talk about what we call minor injuries, the permanently deformed face that goes through the windshield, the paraplegic who will never walk again, or the quadriplegic who needs custodial care daily.

The second point I would like to make is that auto deaths are not only our No. 1 problem as pediatricians, which we have taken some strong stands and have put at our top priority now, but it is also a major public health problem.

At the turn of the century, infectious disease killed American children. Today, it is the automobile. It is just that simple. Of course, from a public health standpoint, teenagers are a total disaster. Medical advances have produced declining death rates in all age groups with each passing decade in this century, with the one exception of the mortality rates in the 15- to 24-year range, which have risen significantly in the last 20 years. As medical people and as pediatricians, we cannot put up with this.

One-third of these deaths in that range are due to motor vehicular collisions. So it is no wonder that this is a major public health issue, a major pediatric issue, and we are thrilled to see that the legislative bodies are interested in this.

COUNTERMEASURES TO REDUCE TEENAGE DEATHS

Now, teenagers as a special problem—that is the third area I would like to discuss—require really special consideration and special legislation. They are a very tough group.

They are resistant to countermeasures—I was going to say normal countermeasures, but countermeasures we usually think will work. The pediatrician's bag is education. Here, education has not been as effective. We have to go to other means.

The epidemiology of the child who dies in an automobile crash is very definite. He—usually, a he—dies at night from 8 p.m. to 4 a.m. in the morning, at high speeds, and often related to alcohol.

There are three known countermeasures that have statistically seemed to have worked: First, nighttime curfews, which we will not discuss here, but there is a decrease in mortality when you enact a nighttime curfew.

The second is airbags. They require no compliance, which is just perfect for the noncompliant adolescent. They probably give better protection at high speeds and are really made for the adolescent.

So, airbags, nighttime curfews and, of course, third is raising the drinking age to 21. I think, to us, there is no disagreement about the statistics. There is anywhere between a 13- to 28-percent decrease in nighttime fatalities in young drivers. We think there is no way that anyone can see any other side of this issue other than raising the drinking age to 21.

PEDIATRICIANS FAVOR 21 DRINKING AGE

Just one last point. Taking crashes completely out of this issue entirely, the adolescent pediatrician really is down on alcohol now. Their term now is nonuse. They know that alcohol is the No. 1 used and the No. 1 abused drug of teenagers—more than marijuana, more than cocaine.

Also, they feel that we are trying to make the adolescent do something they are totally developmentally incapable of doing. Adolescents do not deal well with drugs and alcohol. The statistics have shown that.

It is fine to say we want to care about their rights, and this and that. We have given them the right; they really have not used it properly. We are in favor of 21, not to restrict their rights, but to really help them out.

We never hear the paraplegic say, oh, I am so glad I enacted my rights. That is just not what we see and what we hear. We see the devastated families, and we take a very strong stand for increasing the drinking age to 21.

Thank you.

Senator LAUTENBERG. Thank you very much.

You are quite a panel, particularly since your bias is in my direction. I hate to get so sanctimonious as we talk about the wonderful mission that we are on, but I really believe that is right.

I was reassured by something you said, because I thought I had a unique problem. I also have an 18-year-old son. He is the youngest of our four kids, and I thought he was the only 18-year-old in the country who was resistant to instructions or recommendations, or what have you, from his father.

But you tell me that often these people of this age are resistant to orders or mandates, or what have you. Thank goodness. Anyway, the fact is you can set a tone, and I see it in my own house; I see it in friends.

I had a bottle of champagne the other night for one of our kids' birthdays and I was the only one who drank any. No one else did, so the message has gotten through very clearly.

You are all very helpful and I commend each one of you for your share in making life longer and better for our young people. We all know it is not a single-issue thing that you can push the button and solve the problem.

But it is the effort of those of you who appeared here today and others to continue to press this issue. When we do things legislatively here, sometimes we do not understand how broad the significance of something we are doing is, and it is very hard in this case.

It is an amorphous result. We save lives. Well, it is hard to say to your kids as you look at them and love them and want them around you all the time, well, we did a good thing today; we helped save your life. We do not think in those terms.

We see it in other kinds of legislation all the time. You put up the fence, you build this, and you make that.

It is a pleasure to see you and to be here with you, and I hope that we will soon be able to celebrate with a nonalcoholic beverage the 50 States, the District of Columbia, and Puerto Rico as having changed their drinking age. Thank you very much.

The last panel is an industry group: Mr. Maher; Dr. McKenzie, the Superintendent of the D.C. Public School System; and Dr. Allan Williams, of the Insurance Institute for Highway Safety.

Excuse me just 1 minute. I will be right back.

[Pause.]

PANEL IV—NONDEPARTMENTAL AND DISTRICT OF COLUMBIA WITNESSES

STATEMENTS OF:

MICHAEL MAHER, EXECUTIVE DIRECTOR, WASHINGTON, DC, RESTAURANT AND BEVERAGE ASSOCIATION

FLORETTA DUKES MCKENZIE, SUPERINTENDENT, D.C. PUBLIC SCHOOLS

ALLAN F. WILLIAMS, VICE PRESIDENT, RESEARCH, INSURANCE INSTITUTE FOR HIGHWAY SAFETY

STATEMENT OF MICHAEL MAHER

Senator LAUTENBERG. Thank you for your indulgence. We are pleased to have all three of you with us, and would ask first that we hear from Mr. Maher.

Mr. MAHER. Good morning, Senator Lautenberg. I am Michael Maher, executive director of the Washington, DC, Restaurant and Beverage Association, a membership organization comprised of D.C. Alcoholic Beverage Control Board-licensed restaurants, as well as suppliers to the trade.

The association has opposed an increase in the District's legal minimum drinking age since the idea was first discussed here in 1983. I am here today to reaffirm our continued opposition to a 21-year-old legal minimum drinking age for the District of Columbia.

While the situation has changed somewhat due to the actions taken by Congress and the Department of Transportation, we strongly believe that our position is justifiable.

Currently, our drinking age differs with that of our neighboring jurisdictions. I assume that this is the reason for my presence here today.

Historical perspective on this matter is most illuminating. The District of Columbia has had an 18-year-old minimum drinking age for beer and wine since the end of Prohibition. Virginia and Maryland had a 21-year-old drinking age for roughly 40 years each before lowering it in the early seventies. At this time, both States adopted the drinking age of the District of Columbia.

Now, our neighbors have seen fit to return to a 21-year-old drinking age and are attempting to coerce the District to follow them. I feel it is important to remember that disparity in legal minimum drinking ages for the three jurisdictions in question is the tradition, and not the exception.

I have stated that the District has maintained its 18-year-old drinking age for beer and wine for the past 53 years. This is because the law has worked well here during that time.

As a District resident, I am very proud of the uniqueness of our city.

I would like to point out that the District of Columbia is virtually bereft of the most dangerous driving conditions, such as country roads and high-speed expressways, and that the speed limit is 25 miles per hour on the vast majority of our streets.

Senator LAUTENBERG. I did not know that. Thank you. I drive back and forth to work. You learn something everyday. Go ahead, please.

LOW INCIDENCE OF ALCOHOL-RELATED ACCIDENT FATALITIES

Mr. MAHER. An excellent transportation system; widely available, inexpensive taxicabs; and the small size of the District, allowing for shorter trips, have led to a disproportionately low incidence of alcohol-related traffic fatalities among all age groups, especially our 18- to 21-year-olds.

It has been achieved despite the very high percentage of 18-, 19-, and 20-year-olds who are residents or residing in the District of Columbia temporarily while attending one of the eight private colleges and universities located here.

In fact, there will be roughly 53,620, 18-, 19-, or 20-year-olds in the aforementioned categories living in the District in 1987.

An important segment of the restaurant industry has developed over the last 53 years to serve this market, and would suffer greatly if a 21-year-old drinking age is enacted.

I would like to depart from my written testimony at this point to state that we really were not the first to interject the issue of economics into this debate, but it truly was a response to the Federal Highway Trust Fund penalties. It simply was a question that was asked of us, and we felt it only proper to respond.

I certainly would not ever dream of implying that that would be a paramount concern in this issue.

CITY COUNCIL DECIDED NOT TO RAISE DRINKING AGE

The City Council, after exhaustive examination of this issue, two times in the last 3 years decided not to raise the drinking age, despite the enactment of the Uniform Minimum Drinking Age Act of 1984.

The District's young adults have done nothing to warrant such an increase, and the cost to the city would probably be much higher than the loss of the Federal highway funds provided for by the aforementioned act.

It is now implied that perhaps these sanctions were not severe enough and should be increased in the case of the District of Columbia. The alcoholic beverage industry is particularly weary of Federal Government intervention. Our right to do business was reestablished only by constitutional amendment.

The 21st amendment gives the State unfettered power to regulate alcoholic beverages in their jurisdiction. While it is painfully obvious to those who reside here that the District is not a State, it does seem only fair that we should have the right to establish our own alcoholic beverage regulations.

In contemplating an increase in the District's drinking age, the effectiveness of such an action must be considered. The results in other jurisdictions have been unclear, at best. While some jurisdictions have experienced a decrease in alcohol-related traffic fatalities after raising the drinking age, others have suffered an increase in fatalities among the affected age group, or have found there to be no change whatsoever.

ON-PREMISE SALES VERSUS OFF-PREMISE SALES

Second, jurisdictions have found that raising the drinking age does not necessarily have the expected effect upon overall sales of alcoholic beverages. While there is evidence of a loss in on-premise sales, there is also a proportionate increase in off-premise sales.

The only rational explanation for this phenomenon is that raising the drinking age does not, in fact, prevent young adults from obtaining alcoholic beverages. Thus, only the location of the drinking changes from supervised, regulated, licensed premises to unsupervised, clandestine settings where an individual is more likely to drink more and get into more serious trouble.

Prohibition in this country is widely considered to have been a terrible failure. Minimum 21 is selective prohibition, targeting one group of adults, albeit young adults, for loss of their drinking privileges.

DIFFICULTY ENFORCING DRINKING AGE

Recent events in Fairfax County are evidence of the difficulty in enforcing their new drinking age. A countywide sweep of alcoholic beverage outlets gave evidence of a dismal regulation enforcement situation.

Underage individuals were consistently able to make purchases in both private and State-operated stores. This, coupled with the fact that alcoholic beverages are widely available in most homes, are indicators of just how difficult a minimum 21-year-old drinking age would be to enforce.

Drinking is a privilege reserved for adults in this country. Adulthood begins at 18 years of age for all other responsibilities, such as the draft, entering into a contractual agreement, and, most important of all, the right to vote.

An 18-year-old considers him or herself to be an adult, and many do not readily accept an artificially high drinking age being imposed upon them, leading to extraordinary rates of noncompliance.

I clearly recall the comments made by supporters of the Uniform Minimum Drinking Age Act of 1984 when that legislation was before Congress. Repeated statements portrayed the act as a carrot approach, providing the States with an incentive to raise their drinking age. Recent comments regarding the District of Columbia have been very stick-like.

LEAVE DECISION TO LOCAL GOVERNMENT

Fifty-three years with an unchanged drinking age has not been accidental in nature. This issue has been given a great deal of attention by our City Council, and after careful consideration they have decided to leave the drinking age at 18 for beer and wine. I ask that this committee respect that decision and leave this matter with our local form of government.

I would also, Senator, like to make it very clear, abundantly clear, that we are by no means against you in your noble effort to do something about the tragedy of drunk driving in this country. We merely disagree on this one point.

The association has an exemplary record over the last 3 years. We have provided the American Automobile Association alcohol awareness program for each and every D.C. elementary school, at great expense.

We have promoted the innovative designated driver program in the District for 3 years now, and we have conducted and will continue to conduct monthly server training seminars that teach intervention to prevent drunk drivers. It is a program called TAM, in place in over 30 States, one of them New Jersey.

I thank you for the opportunity to present this viewpoint.

PREPARED STATEMENT

Senator LAUTENBERG. Thank you, Mr. Maher. Your complete statement will be made part of the record.

[The statement follows:]

STATEMENT OF MICHAEL MAHER

I am Michael Maher, Executive Director of the Washington, D.C. Restaurant and Beverage Association, a membership organization comprised of District of Columbia Alcoholic Beverage Control Board licensed restaurants, as well as suppliers to the trade.

The Association has opposed an increase in the District's legal minimum drinking age since the idea was first discussed here in 1983. I am here today to reaffirm our continued opposition to a 21 year old legal minimum drinking age for the District of Columbia. While the situation has changed somewhat due to the actions taken by Congress and the Department of Transportation, we strongly believe that our position is justifiable.

Currently our drinking age differs with that of our neighboring jurisdictions; I assume that this is the reason for my presence here today. Historical perspective on this matter is most illuminating--the District of Columbia has had an 18 year old minimum drinking age for beer and wine since the end of prohibition. Virginia and Maryland had a twenty-one year old drinking age for roughly 40 years each before lowering it in the early 1970's, at this time both states adopted the drinking age of the District of Columbia. Now our neighbors have seen fit to return to a 21 year old drinking age, and are attempting to coerce the District to follow them. It is important to remember that disparity in legal minimum drinking ages for the three jurisdictions in question is the tradition, not the exception.

I have stated that the District has maintained its 18 year old legal minimum drinking age for beer and wine for the past 53 years, this is because the law has worked well here during that time. As a District resident I am proud of the uniqueness of our city; I would like to point out that D.C. is virtually bereft of the most dangerous driving conditions such as country roads and high speed expressways, and that the speed limit is 25 miles per hour on the vast majority of our streets. An excellent public transportation system, widely available inexpensive taxicabs, and the small size of the District (allowing for shorter trips), have lead to a disproportionately low incidence of alcohol related traffic fatalities among all age groups, especially our 18 to 21 year olds. This has been achieved despite the very high percentage of 18, 19, and twenty year olds who are residents, or residing in D.C. temporarily while attending one of the eight private colleges and universities located here. In fact there will be roughly 53,620 18, 19, or 20 year olds in the afforementioned catagories living in the District in 1987. An important segment of the restaurant industry has developed over the last 53 years to serve this market, and would suffer greatly if a 21 year old drinking age is enacted.

The City Council, after exhaustive examination of this issue two times in the last three years, has decided not to raise the drinking age, despite the enactment of the Uniform Minimum Drinking Age Act of 1984. The District's young adults have done nothing to warrant such an increase, and the cost to the city would probably be much higher than the loss of the Federal Highway Funds provided for by the afforementioned Act. It is now implied that perhaps these sanctions were not severe enough, and should be increased in the case of the District of Columbia. The alcoholic beverage industry is particularly wary of federal government intervention. Our right to do business was re-established by constitutional ammendment; the 21st Ammendment gives a State unfettered power to regulate alcoholic beverages in their jurisdiction. While it is painfully obvious to those who reside here that the District is not a State, it does seem only fair that we should have the right to establish our own alcoholic beverage regulations.

In contemplating an increase in the District's drinking age, the effectiveness of such an action must be considered. First, the results in other jurisdictions have been unclear at best. While some jurisdictions have experienced a decrease in alcohol related traffic fatalities after raising the drinking age, others have suffered an increase in fatalities among the affected age group, or have found there to be no change whatsoever. Second, jurisdictions have found that raising the drinking age does not have the expected effect upon over all sales of alcoholic beverages. While there is evidence of a loss in on-premise sales, there is also a proportionate increase in off-premise sales. The only rational explanation for this phenomenon is that raising the drinking age does not in fact prevent young adults from obtaining alcoholic beverages. Thus, only the location of the drinking changes - from supervised, regulated, licensed premises to unsupervised, clandestine settings where an individual is more likely to drink more and get into more serious trouble.

Prohibition in this country is widely considered to have been a terrible failure; minimum 21 is selective prohibition, targeting one group of adults, albeit young adults, for loss of their drinking priveleges. Recent events in Fairfax County are evidence of the difficulty in enforcing their new drinking age. A county-wide sweep of alcoholic beverage outlets gave evidence of a dismal regulation enforcement situation, under-age individuals were constantly able to make purchases in both private and state operated stores. This coupled with the fact that alcoholic beverages are widely available in most homes are indicators of just how difficult a minimum 21 year old drinking age would be to enforce. Drinking is a privelege reserved for adults in this country. Adulthood begins at 18 years of age for all other responsibilities such as the draft, entering into a contractual agreement, and most important of all the right to vote. An eighteen year old considers him or herself to be an adult, and most do not readily accept an artificially high drinking age being imposed upon them, leading to extraordinary rates of non-compliance.

I clearly recall the comments made by supporters of the Uniform Minimum Drinking Age Act of 1984 when that legislation was before Congress. Repeated statements portrayed the Act as "a carrot approach" providing the states with an incentive to raise their drinking age. Recent comments regarding the District of Columbia have been very "stick" like. Fifty-three years with an unchanged drinking age has not been accidental in nature. This issue has been given a great deal of attention by our City Council, and after careful consideration they have decided to leave the drinking age at eighteen for beer and wine. I ask that this committee respect that decision, and leave this matter with our local form of government. On behalf of the association I thank you for this opportunity to present this viewpoint, and for your time.

ALCOHOL-RELATED FATALITIES IN MONTANA

Senator LAUTENBERG. We will get on with the other witnesses. While it is fresh in my mind, I just want to ask you a question about your testimony where you say that while some jurisdictions have experienced a decrease in alcohol-related traffic fatalities after raising the drinking age, others have suffered an increase in fatalities among the affected age group, or have found there to be no change whatsoever.

What is the basis for your statement, please?

Mr. MAHER. Well, Senator, there have been many instances where this has, in fact, been the case. I specifically could cite the State of Montana. It is my understanding that this is one of the reasons that the State of Montana is so very reluctant to go to 21, as their experience in raising the age from 18 to 19 produced a 17-percent increase in alcohol-related traffic fatalities among the affected age group.

There are others. That is——

Senator LAUTENBERG. Montana, you think, is an appropriate national sample for the Nation. How many people were involved in the 17-percent increase?

Are you familiar with this? Do you want to comment on this study, Dr. Williams?

Mr. WILLIAMS. Well, they are very small numbers in Montana, and it is not an exception to the general trend of decreases in fatal crash involvement that happens upon raising the drinking age.

In the 1983 study the Insurance Institute did, Montana was the one study out of nine that had a trend that was counter to the positive direction, but I think a lot of it was due to the small numbers of 17 or 18 we were talking about. Overall, there was a decrease of 28 percent, which I think is the important figure.

Senator LAUTENBERG. Thank you.

Is there any other example that you would want to give us, Mr. Maher, of an incident of increasing fatalities or alcohol-related injuries?

Mr. MAHER. I would be happy to provide your office with the materials that I have on that.

Senator LAUTENBERG. We would appreciate that.

CASE WESTERN RESERVE STUDY

Mr. MAHER. I would also cite the Case study.

Senator LAUTENBERG. The Case Western Reserve——

Mr. MAHER. The Case Western Reserve University study.

Senator LAUTENBERG. Were you here earlier when there was testimony on that?

Mr. MAHER. Yes, sir, I was.

Senator LAUTENBERG. And you heard Ms. Steed talk about that. You heard Mr. Hurley and others talk about that, and their challenge to the validity of that study. As a matter of fact, there are very few references made to that study, as I have looked at this legislation over a period of a couple years, that do not suggest that it is improperly flawed and that its validity is certainly questioned.

I have not visited every restaurant in this area, I can assure you, but I have conducted a personal survey. While I do not drink a lot, I eat a lot, and I have found that almost every restaurant owner that I have spoken to agrees with the action we are taking.

CHANGE SUPPORTED BY GEORGETOWN BUSINESSES

I see the statement by the Georgetown Business and Professional Association, where residents have the most contact with young people drinking. Eighty-five percent of the bar and restaurant owners support the change.

Now, that does challenge the statement that you make in terms of denying that the interest is there and that we are not engaged in something that is contrary to the best interests of the restaurant association members; not to disparage at all your organization or its representation, but there is a contrary viewpoint out there.

Mr. MAHER. Senator, I assure you I am not here on a ruse. In fact, this is the view of our membership. On almost any issue, certainly among our group, restauranteurs are a unique lot.

But on almost any issue amongst any individual group, you will find dissenters. I assure you that the vast majority of our members and the restauranteurs in this city are, in fact, opposed to an increase in the drinking age. That is why we are here today making this statement.

The Georgetown—I assume you are referring to the mention made in this morning's Washington Post.

Senator LAUTENBERG. Yes

Mr. MAHER. That refers to a petition that was circulated prior to the last D.C. City Council Committee on Consumer and Regulatory Affairs vote. They were able to obtain signatures from 85 percent of the restaurants in Georgetown.

I am not really sure that a petition is the best gauge of support or disagreement for any given issue.

Senator LAUTENBERG. Thank you, Mr. Maher. Your testimony is there in the record for those who want to see the opposing point of view. Thank you. Please stay.

Dr. McKenzie, you are next and we welcome you here. We are delighted to see you again. We have seen you in other meetings as well.

STATEMENT OF FLORETTA DUKES MCKENZIE

Dr. McKenzie. Thank you very much, Senator Lautenberg. I am Floretta Dukes McKenzie, Superintendent of the District of Columbia Public Schools. I will just highlight portions of my testimony and leave the full text for the record.

After giving much thought to this issue, I have concluded, albeit reluctantly, that the District should raise the legal minimum age for purchase and consumption of alcoholic beverages in the District of Columbia from 18 to 21.

I have resisted this conclusion because I think highly of young people, and I would like to believe that District and 18- to 20-year-olds throughout the Nation are mature enough to make responsible decisions concerning alcoholic consumption.

But I can no longer ignore the evidence around me that the District's low minimum drinking age is detrimental to the youth in the Washington metropolitan area, in light of the disparity between the District's drinking age and those of our surrounding jurisdictions.

I hate to think of the District as a place where Washington area teenagers come to drink, but those of us who live in the city and visit parts of the city know that our city is a magnet for youngsters of the metropolitan area.

I will not deal with statistics because there are those much more intelligent about those matters than I, but I want to indicate that I am not so naive as to believe that if the drinking age is raised, all 18- and 20-year-olds in the Washington metropolitan area will cease to drink.

But I do think that some young people will be deterred by the increased difficulty in obtaining alcohol, and others will be more willing to resist peer pressure to drink if the District makes teenaged liquor consumption illegal.

I further believe that more young people under the age of 18 may avoid alcohol when it is no longer available to their slightly older teenaged friends. Perhaps most importantly, I feel that raising the District's drinking age will possibly save lives, not only those of District young people, and I know our statistics are low, but there are others who must drive home once they leave the District.

In conclusion, I will say again that I do advocate the District's raising its minimum drinking age from 18 and 21, as I indicated to the House Appropriations Committee. But I would like to emphasize my firm belief that, in the spirit of home rule, it is the Council and the Mayor who must make the final determination on this issue. I would not like to see Congress impose on this jurisdiction what it possibly would not impose on others.

I would like to thank you for inviting me to testify on this important issue and would be pleased to respond to any questions.

Senator Lautenberg. Thank you very much, Dr. McKenzie. You certainly have the professional credentials and the experience to understand young people, and I respectfully acknowledge your testimony to the fact that they do have the intelligence to make decisions.

PREPARED STATEMENT

We are pleased that as you have reviewed your concerns that you have agreed that we are on a positive track here, even though you would prefer to leave the choice to them. It is respectfully acknowledged and we are delighted to have you with us. Your complete statement will be made part of the record.

[The statement follows:]

STATEMENT OF FLORETTA DUKES MCKENZIE

GOOD MORNING, SENATOR SPECTER AND MEMBERS OF THE SUBCOMMITTEE. FOR THE RECORD, I AM FLORETTA DUKES MCKENZIE, SUPERINTENDENT OF SCHOOLS AND CHIEF STATE SCHOOL OFFICER OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS. IT IS A PLEASURE TO COME BEFORE YOU TODAY, AT YOUR INVITATION, TO TESTIFY REGARDING THE DISTRICT OF COLUMBIA'S DRINKING AGE POLICY.

AFTER GIVING THIS SUBJECT MUCH THOUGHT, I HAVE CONCLUDED, ALBEIT RELUCTANTLY, THAT THE DISTRICT SHOULD RAISE THE LEGAL MINIMUM AGE FOR THE PURCHASE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN D.C. FROM EIGHTEEN TO TWENTY-ONE. I HAVE RESISTED REACHING THIS CONCLUSION BECAUSE I THINK HIGHLY OF YOUNG PEOPLE AND WANT TO BELIEVE THAT DISTRICT EIGHTEEN TO TWENTY-YEAR-OLDS ARE MATURE ENOUGH TO MAKE RESPONSIBLE DECISIONS REGARDING THEIR ALCOHOL CONSUMPTION. HOWEVER, I CAN NO LONGER IGNORE THE EVIDENCE ALL AROUND ME THAT THE DISTRICT OF COLUMBIA'S LOW MINIMUM DRINKING AGE IS DETRIMENTAL TO YOUTH IN THE WASHINGTON METROPOLITAN AREA, ESPECIALLY IN LIGHT OF THE DISPARITY BETWEEN THE DISTRICT'S MINIMUM DRINKING AGE AND THOSE OF OUR SURROUNDING JURISDICTIONS.

I HATE TO THINK OF THE DISTRICT OF COLUMBIA AS A PLACE WHERE WASHINGTON AREA TEENAGERS COME TO DRINK, BUT EVEN A CURSORY LOOK AT THE DISTRICT MAKES THIS CONCLUSION INESCAPABLE. ONE NEED ONLY DRIVE -- OR, I SHOULD SAY, ATTEMPT TO DRIVE -- THROUGH GEORGETOWN ON A SATURDAY NIGHT TO SEE THAT DROVES OF YOUNG PEOPLE EITHER ENTER OR REMAIN IN THE DISTRICT IN ORDER TO TAKE ADVANTAGE OF THE DISTRICT OF COLUMBIA'S DRINKING AGE WHICH IS LOWER THAN THAT OF EITHER VIRGINIA OR MARYLAND.

TRAFFIC STATISTICS REVEAL, FURTHERMORE, THAT AREA YOUNG PEOPLE OFTEN OVER-INDULGE IN THIS LEGALLY-OBTAINED ALCOHOL, SOMETIMES FATALLY SO. DATA FROM THE NATIONAL HIGHWAY ADMINISTRATION INDICATE THAT, IN 1984, 39 PERSONS UNDER THE AGE OF 21 WERE KILLED IN ALCOHOL-RELATED CRASHES IN THE DISTRICT OF COLUMBIA METROPOLITAN AREA. PERHAPS EVEN MORE ALARMING ARE THE STATISTICS FROM THE WASHINGTON REGIONAL ALCOHOL PROGRAM WHICH REVEAL THAT, WHILE ALCOHOLIC-RELATED CRASH FATALITIES DECREASED BY 13 PERCENT OVERALL DURING THIS SAME PERIOD, THOSE INVOLVING DRIVERS UNDER THE AGE OF 21 INCREASED BY 18 PERCENT. MOREOVER, OTHER NATIONAL HIGHWAY ADMINISTRATION DATA COVERING THE PERIOD FROM 1980-1985 INDICATE THAT, ALTHOUGH THE DISTRICT'S 16 TO 20-

YEAR-OLDS REPRESENT ONLY 10% OF DISTRICT OF COLUMBIA'S TOTAL POPULATION, THEIR PROPORTION OF ALCOHOLIC-RELATED TRAFFIC DEATHS HAS EXCEEDED 10% FOR EVERY YEAR BUT ONE --- ONCE CLIMBING AS HIGH AS 29%.

I AM NOT SO NAIVE AS TO BELIEVE THAT ALL EIGHTEEN TO TWENTY-YEAR-OLDS IN THE WASHINGTON METROPOLITAN AREA WILL CEASE TO DRINK SHOULD THE DISTRICT RAISE ITS MINIMUM DRINKING AGE. HOWEVER, I DO THINK THAT SOME YOUNG PEOPLE WILL BE DETERRED BY THE INCREASED DIFFICULTY IN OBTAINING ALCOHOL. STILL OTHERS, I FEEL, WILL BE MORE WILLING TO RESIST PEER PRESSURE TO DRINK IF THE DISTRICT MAKES TEEN-AGED CONSUMPTION OF ALCOHOL ILLEGAL. I FURTHER BELIEVE THAT MORE YOUNG PEOPLE UNDER THE AGE OF EIGHTEEN MAY AVOID ALCOHOL WHEN IT IS NO LONGER AVAILABLE THROUGH THEIR SLIGHTLY OLDER TEEN-AGED FRIENDS OR BY VIRTUE OF THEIR "LOOKING EIGHTEEN."

PERHAPS MOST IMPORTANTLY, I FEEL THAT RAISING THE DISTRICT'S DRINKING AGE WILL SAVE LIVES. DATA CULLED FROM VARIOUS STATES WHICH HAVE RAISED THEIR MINIMUM DRINKING AGES INDICATE THAT A HIGHER MINIMUM DRINKING AGE LEADS TO A REDUCTION IN FATAL CRASHES OF YOUNG DRIVERS IN THE AFFECTED AGE GROUPS --- A REDUCTION WHICH, ACCORDING TO ONE STUDY, CAN BE AS GREAT AS 28%. MOREOVER, BECAUSE OLDER DRIVERS, PASSENGERS AND/OR PEDESTRIANS ARE ALSO KILLED OR INJURED IN TRAFFIC FATALITIES INVOLVING YOUNG DRIVERS, IT SEEMS SAFE TO ASSUME THAT AREA RESIDENTS OVER THE AGE OF TWENTY-ONE WILL ALSO BENEFIT FROM A HIGHER MINIMUM DRINKING AGE.

IN CONCLUSION, I WANT TO STATE, ONCE AGAIN, THAT I ADVOCATE THE DISTRICT'S RAISING ITS MINIMUM DRINKING AGE FROM EIGHTEEN TO TWENTY-ONE AND TO INDICATE MY WILLINGNESS TO OFFER SIMILAR TESTIMONY BEFORE THE COUNCIL OF THE DISTRICT OF COLUMBIA. I FURTHER WISH TO EMPHASIZE MY FIRM BELIEF THAT, IN THE SPIRIT OF HOME RULE, IT IS THE COUNCIL, ALONG WITH THE MAYOR, AS THE ELECTED REPRESENTIVES OF THE CITIZENS OF THE DISTRICT OF COLUMBIA, WHO MUST MAKE THE FINAL DETERMINATION ON THIS ISSUE. I WOULD NOT LIKE TO SEE CONGRESS IMPOSE UPON THE DISTRICT WHAT IT WOULD NOT IMPOSE UPON OTHER JURISDICTIONS THROUGHOUT THE NATION.

I WOULD LIKE TO THANK YOU, SENATOR SPECTER, FOR ASKING ME TO TESTIFY TODAY ON THIS VERY IMPORTANT ISSUE. I WOULD BE HAPPY TO ADDRESS ANY QUESTIONS THAT YOU MIGHT HAVE.

STATEMENT OF ALLAN WILLIAMS

Senator Lautenberg. Dr. Williams, from the Insurance Institute for Highway Safety, welcome, and we look forward to your testimony.

Dr. Williams. Thank you, Senator.

I am vice president for research at the Insurance Institute for Highway Safety, and have been directly involved in the three studies the institute has done on effects of changing the alcohol purchase age.

I have submitted written testimony on research in this area. I will quickly summarize it now.

NEGATIVE EFFECTS OF LOWERING DRINKING AGE

A brief history: When the drinking age was lowered in 29 States in the early 1970's, research indicated that there was a negative effect, an increase in alcohol-related crashes among teenagers.

If lowering the purchase age increased teenage crash involvement, it was logical to think that raising it would reduce these crashes. By the early 1980's, several studies indicated very clearly that raising the age significantly reduces fatal crash involvement.

In late 1985 and early 1986, several new studies were published. These recent studies that are scientifically designed so that they can adequately assess the laws confirm and extend earlier findings. They provide conclusive evidence that their effect is both strongly positive and lasting.

I will skip the details here and merely note the studies—the Insurance Institute for Highway Safety study—that found a reduction of 13 percent in nighttime fatal crashes, and also found that this effect was fairly uniform throughout 11 geographic regions of the United States; the National Highway Traffic Safety Administration study that found a 13-percent reduction; a study by the National Safety Council that found a 21-percent reduction; a study by the National Bureau of Economic Research that found a 7-percent reduction; a study by the University of Michigan's Transportation Research Institute that found a 16-percent reduction.

Of course, in the case of the District of Columbia, the positive results expected from raising the purchase age would also be shared in good measure by Maryland and Virginia, which will provide important additional savings.

There are a few studies that have received attention that do not report positive effects of raising the purchasing age, but these are not scientifically credible studies. Let me focus on just one of these studies because it has come up several times this morning.

STUDY USING POLICE REPORTS TO MEASURE ALCOHOL INVOLVEMENT

This was the study by political science professors at Case Western Reserve University which used police reports as a basis for measuring alcohol involvement. It has been known for years that subjective estimates by the police of whether or not drivers have been drinking are often inaccurate, and thus highly unreliable for analytic purposes.

For example, a recent study in Texas, one of the States included in the Case Western Reserve study, police were able to identify alcohol as the contributing factor in only one-third of the cases in which drivers were known to be legally intoxicated.

Reanalysis of the data used by the Case Western Reserve authors revealed several other serious problems that, by themselves, would invalidate the results. For example, large numbers of cases were included for which there was no information available at all about alcohol involvement.

In some States in some years, up to 80 percent of the drivers—there was no information, irrespective of how good that information might be, as to whether there was any alcohol involved in that crash.

The Case Western Reserve authors, in fact, ignored an explicit warning printed on the top of every page of computer output they received from the National Highway Traffic Safety Administration which supplied them with the data they used in this study.

I quote from this computer output, "Due to differences among the States in reporting alcohol or testing drivers involved in accidents, it is not appropriate to compare alcohol on a State-by-State basis." Yet, that is exactly what these authors did in their study.

They were also very imprecise in what they termed prelaw and postlaw periods in this study. One example: Nebraska raised their drinking age on July 19, 1980. The Case Western Reserve authors treated all of 1980 as the first post-law year, although more than half of that year was, in fact, a prelaw period.

Any one of these factors and flaws disqualifies this study from serious consideration. This is simply not a competent study.

PROFESSIONAL HIGHWAY SAFETY RESEARCHERS FIND POSITIVE EFFECTS

Sure, everyone has statistics, as Councilman Ray notes. However, in evaluating the various studies that get referred to in this debate, I would point out to you that independently and without exception, the professional highway safety researchers who have studied this policy with scientifically sound methods have found positive effects.

To put all this in perspective, 18- to 20-year-olds exceed all other age groups' involvement in alcohol-related crashes per licensed driver. They are a high-risk group. There is no question that raising the alcohol purchasing age results in fewer alcohol-related motor vehicle crash deaths and injuries in this high-risk group. It reduces them by an estimated 10 to 20 percent, and it does this year after year.

But a law raising the alcohol purchase age is by no means a panacea. It reduces, it does not eliminate the problem. The problem of deaths and injuries related to alcohol-impaired driving is so large that it will not be solved by any single solution.

Obviously, we need additional measures to reduce alcohol-related crash involvement among all age groups. What is clear, however, is that raising the alcohol purchase age is a proven method that will help accomplish this task.

I would be happy to respond to any questions you may have.

PREPARED STATEMENT

Senator LAUTENBERG. Thank you, Dr. Williams. We have your complete statement and it will be made part of the record.

[The statement follows:]

STATEMENT OF ALLAN F. WILLIAMS

The Insurance Institute for Highway Safety is an independent, nonprofit research and communications organization that identifies and develops ways to reduce motor vehicle crash losses. We are supported by the nation's property and casualty insurers. I am the Institute's vice president for research. I am here to testify on the effect of raising the alcohol purchasing age on highway injuries and fatalities.

Before 1970, most states had an alcohol purchasing age of 21. Between 1970 and 1975, 29 states lowered their purchase age, usually to 18. Research studies consistently found that lowering the age had a negative effect: Alcohol-related crashes increased in the 18-20 year old population and also among 16 and 17 year old drivers.[1,2] Largely because of such findings, many of these states, beginning with Minnesota in 1976, raised their minimum legal age for the purchase of alcoholic beverages. This trend has continued throughout the 1980s and was accelerated by the 1984 federal law withholding portions of highway aid from states not having a purchasing age of 21 for all alcoholic beverages. By now, all but a few states have enacted a purchase age of 21.

If lowering the purchase age increased alcohol-related motor vehicle crashes among teenagers, it is also logical that raising it would reduce these crashes. By the early 1980s, several studies of the effects of raising the alcohol purchasing age had indicated very clearly that this policy significantly reduces fatal crash involvement in the affected age groups.[3] In one study, based on nine of the first states to enact such legislation, the average reduction was 28 percent.[4] Studies such as this were the basis for the 1984 federal law encouraging higher alcohol purchasing ages.

In late 1985 and early 1986, several new studies on the effects of raising the alcohol purchase age were published. These are important because they allow us to determine whether the positive effects of raising the purchasing age found in some states a few years ago also occur in the larger and more varied group of states that have raised their purchasing ages more recently. Such studies also permit us to see the effects of the law change over time. This is important because many of the earlier studies were based on only a year or two of experience.

The recent studies that are scientifically designed so that they can adequately assess the laws provide conclusive evidence that their effect is both strongly positive and lasting. In one comprehensive study conducted by researchers at the Massachusetts Institute of Technology and the Insurance Institute for Highway Safety, the experience of all 26 states that raised their alcohol purchasing ages between 1975 and 1984 was examined using a loglinear analysis of covariance model.[5] The reduction in nighttime fatal crash involvement because of the laws was estimated to be 13 percent. This effect was fairly uniform throughout 11 geographic regions, and there was evidence that the beneficial effect remained undiminished over time.

In another recent study conducted by the National Highway Traffic Safety Administration (NHTSA), the effect of raising alcohol purchasing ages in 13 states was estimated by comparing the number of fatal crash involvements per year per affected driver before and after the law changes. Drivers not affected by the law changes served as a control.[6] The combined effect for the 13 states was a 13 percent reduction in fatal crash involvements.

Another very recent federal report indicates that, nationwide, the proportion of teenage drivers in fatal crashes with blood alcohol concentrations (BACs) of 0.10 percent or greater decreased by 15 percent between 1982 and 1984. This reduction was greater than occurred in other age groups. The proportion of teenage pedestrians and bicyclists in fatal crashes with high BACs decreased by 17 percent during this period. Adult pedestrians and bicyclists showed no change.[7] The authors attribute the decreases in alcohol involvement among teenagers to increases in the alcohol purchase age.

Three other studies also found positive effects from increasing the alcohol purchasing age. The National Safety Council's study, based on 10 states, reported that the single-vehicle nighttime fatal crash involvement of drivers affected by the law change decreased by an average of 21 percent.[8] A study by the National Bureau of Economic Research estimated that the enactment of a uniform drinking age of 21 in all states would reduce the number of 18 through 20 year olds killed in motor vehicle crashes by 7 percent.[9] The University of Michigan's Transportation Research Institute found that initial positive effects of raising the alcohol purchase age in Michigan were still present after six years. In the six years since Michigan raised the alcohol purchase age, single-vehicle nighttime crashes among 18-20-year-old drivers have been reduced by 16 percent.[10]

The District of Columbia is a relatively small geographic area, but the effects of its current alcohol purchase age legislation are by no means limited to the District of Columbia and its residents. Georgetown and other parts of the District of Columbia are within easy range of thousands of teenagers who live in Maryland and Virginia. They cannot purchase alcohol legally in their own states, but by merely driving across the nearby District of Columbia border they can -- and do -- legally buy alcohol. The negative effects of the District of Columbia's alcohol purchase age of 18 are thus shared by all three jurisdictions.

A few studies that have received attention do not report positive effects of raising the purchasing age, but these are not scientifically credible studies. They are based on inappropriate methods or data, so meaningful conclusions about the laws' effects cannot be drawn from them. For example, a study by political science professors at Case Western Reserve University used police reports as a basis for measuring alcohol involvement.[11] It has been known for years that subjective estimates by the police of whether or not drivers have been drinking are often inaccurate and thus highly unreliable for analytic purposes. Re-analysis of the data used by these authors revealed several other serious problems that by themselves would invalidate the results; for example, large numbers of cases were included for which there was no information available at all about alcohol involvement, and the criteria for determining alcohol involvement changed over the time period studied.[12]

A study from the Wharton School at the University of Pennsylvania reported that 18 year olds benefited from the legislation but not 19 or 20 year olds.[13] However, that study did not use adequate statistical techniques and, in fact, reported no statistically significant results. Inspection of the data suggest that, on average, the legislation resulted in reduced motor vehicle fatalities among 18, 19, and 20 year olds.

A study by Mike Males, an independent researcher from Montana, is flawed conceptually and statistically and is uninterpretable.[14] His claim that raising the alcohol purchasing age has negative rather than positive effects is directly contradicted by the research of DuMouchel et al.[5], which was based on similar data but used appropriate analytical techniques.

Tabulation of data from Florida, Illinois, and Tennessee compiled by Michael Morris, professor of sociology at Pensacola Junior College in

Florida, best illustrate how not to do scientific research.[15] The reason for choosing these three states and not others is left unexplained; the data are for the period after the laws only; no appropriate comparison groups are included; no statistical tests are presented; and the measure of alcohol involvement used, based in part on police reports, is inadequate. Analyzing and interpreting changes in motor vehicle crash injury and fatality data are not simple and straightforward tasks. It is important to remember that many factors -- some understood and some not -- affect these events. To isolate the effect of a specific intervention such as raising the alcohol purchasing age, researchers must attempt to account for these extraneous factors. When analyses based on scientifically sound methods have been performed, they have shown that raising the alcohol purchasing age in Florida, Illinois, Tennessee, and other states results in fewer alcohol-related crashes.[5,6,8]

Independently, and without exception, the professional highway safety researchers who have studied the problem of teenage fatalities in relation to the minimum alcohol purchase age have concluded that raising the purchase age reduces deaths and injuries in the affected age groups. These professional highway safety researchers represent such diverse groups as the University of Michigan's Transportation Research Institute (formerly the Highway Safety Research Institute), the National Highway Traffic Safety Administration, the National Safety Council, and the Insurance Institute for Highway Safety. Researchers from these organizations have no axe to grind when it comes to teenage drinking.

They have no institutional relationships that would lead to preconceptions about this issue. Yet, using different methods and data, all of these researchers have independently reached the same conclusion. Those studies showing no effect of raising the purchasing age have been done by relative newcomers to the analysis of motor vehicle fatality and injury data. They have no track record in the highway safety field, and their analyses show it. Some of them may or may not have an axe to grind, but we do know their conclusions are wrong.

Teenagers exceed all other age groups in involvement in alcohol-related crashes per licensed driver.[16] There is no question that raising the alcohol purchasing age results in fewer alcohol-related motor vehicle crash deaths and injuries in this high-risk group. A law raising the alcohol purchase age is by no means a panacea. It will not eliminate the problem of alcohol-impaired driving by teenagers, but it will reduce the magnitude of the problem. The problem of deaths and injuries related to alcohol-impaired driving is so large that it will not be solved by any single solution. Other programs are not alternatives, we need a broad range of programs aimed at finding and implementing additional ways to reduce the crash losses among all age groups. Failure to enact this legislation will result in needless deaths and injuries of teenagers who live in the District of Columbia and others who are involved in their crashes. It will also result in needless deaths and injuries involving teenage drivers who drive here from the highly populous suburbs in Maryland and Virginia.

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CAUTION AGAINST USING CASE WESTERN RESERVE STUDY

Senator LAUTENBERG. Dr. Williams, in your testimony you have confirmed what we have heard from so many others, and I caution those who would use the Case Western Reserve study as a basis for their decisionmaking to look at the many challenges that have been raised against the value of that study.

You have confirmed our concerns, and I hope that as this testimony is reviewed by others in the future or those who are about to make decisions that they will look at the basis for some discrediting of the Case Western Reserve study.

You have had extensive experience, Dr. Williams, in the field of auto safety. Councilman Ray told us that we need more public education. Many of us think we need more education and tougher laws.

What is the long-term benefit of improved education in the auto safety area—seatbelts, anti-drunk driving, whatever? Can we teach people, in your judgment, not to drink and drive, or do we need something stronger?

Dr. WILLIAMS. The various educational programs that have been tried out and evaluated in a rigorous way have not been shown to be very effective in reducing the problem. What the long-term effects of publicity about the dangers of drunk driving will be is an unknown.

It may help. It certainly does not hurt, but it is not a proven remedy to the problem at hand.

Senator LAUTENBERG. Nothing, of and by itself, is going to cure the problem. I mean, we lose lots of people on the highways. One of the great conveniences of our society is the automobile, the ability to get around to places quickly. It is really, frankly, one of the principal factors in the development of this country.

That does not mean that we have to take the bad with the good. We ought to be able to do something to improve the safety of travel. It has been frustrating to me—Dr. Wagner, I think, mentioned it before—that we have been unable to introduce some of the safety devices that work so well in so many places as a matter of practice or as a matter almost of law in this country, like airbags and other types of restraints.

But it does not in any way, does it, Dr. Williams, mitigate against the effort that we make in this singular objective, and that is to try to do whatever we can to protect the young people from their having the unique experience of unusual numbers of fatalities far greater than their age suggests as a portion of the population?

Dr. WILLIAMS. That is right. These programs are not alternatives. We need a broad range of programs that address the issue, which is a major one, and no one single program is certainly going to solve the problem.

EDUCATION ALONE IS NOT THE SOLUTION

Senator LAUTENBERG. Dr. McKenzie, I do not want to put you on the spot, but I do have to ask you this question. You are an educator; you have enormous responsibilities here. You have agreed that the 21 drinking age thing certainly might be or would be beneficial as a way to protect the health and well-being of our children.

You have heard Councilman Ray's views. He defines education as the solution for the problem. You are an educator. Do you think that education alone is going to do that job?

Dr. MCKENZIE. No. Senator Lautenberg, while I do believe that education is a part of the solution, because we do need to change the knowledge base of our young people so that they understand things that are detrimental to the body and to the mind, I do not believe that education alone can solve this problem.

I also, on the other hand, do not think that the negative types of punishment alone solve problems. But I do believe very strongly that we need good education programs, and I appreciate the support provided by the Restaurant Association, in providing us with learning materials, as well as from the Insurance Association, which provides us with materials concerning drug abuse prevention.

At this point in time, given the peculiarities of the circumstance, with the District as the hub of this metropolitan area, I have come to the conclusion that we do need to join the other jurisdictions in raising the drinking age.

Senator LAUTENBERG. Mr. Maher, you have challenged some of the studies that we have heard about the value of increasing the drinking age and its direct resultant lifesaving. I understand your point of view. Obviously, you know I do not agree with it.

Businesses do not want to be told to whom they can sell their product, but sometimes there is an overriding factor of public health and safety. We do it with drug products—I am talking about pharmaceutical products, et cetera—where there are rules by which pharmaceuticals, as an example, have to play because otherwise something that, in fact, could be beneficial may be very harmful.

LOSS OF EMPLOYMENT

You have indicated that if the drinking age is raised, there would be a loss of employment, especially for minorities. Are you aware of the fact that the law does not apply to people below the age of 21 who possess alcoholic beverages in the course of their employment?

Mr. MAHER. Senator, I would be happy to comment on that. I am aware of that feature of the bill, and I feel that it certainly was a most equitable decision to include that. As I am sure you know, many of us, myself included, owe our college degrees to employment in the restaurant industry. Because of its nature, it is particularly suitable to that.

There are problems with that feature of the bill, the main problem being one of liability for the owner and assurance that the owner can, in fact, continue to adhere strictly to the law.

A server who is given dispensation to serve a product that they cannot, in fact, consume still does have access to that product—incredible access to that product. To have an underage individual on premise at any given time with full access to alcoholic beverages is almost like a time bomb waiting to go off in your establishment.

I think you can appreciate the difficulties for an employer in having underage individuals, as a rule, serving alcoholic beverages that they are by law prevented from consuming.

Senator LAUTENBERG. I guess it is hard to say—if you are carrying it, it is hard not to drink it. But there are lots of ways that people could make ends meet to cover their college education that are antisocial, if not illegal.

What do you think, Mr. Maher, about the comments that we have heard about the Case Western Reserve study? Do you want to respond to that?

Mr. MAHER. Well, again, I would like to say that in my 3½-year experience in this issue, which, granted, is not a tremendously long time, it is, I think, long enough to have drawn one conclusion that both sides of this issue have always been able to produce statistics. It has been a veritable game of statistical ping-pong being played over the last several years.

FEATURES OF CASE STUDY

The Case study—one of its features, along with providing perhaps a different viewpoint on the matter, also seeks to discredit some other previous studies, which has been an ongoing pattern.

There has been doubt and conjecture cast about just about every study that has come along.

Senator LAUTENBERG. Dr. Williams, you have heard this characterized as a game of statistical ping-pong. I assume that your professional obligations, as well as your credentials, give you some special knowledge of that.

Do you want to comment on what you see as the evidence that contradicts or in some ways invalidates that Case Western Reserve study?

Dr. WILLIAMS. Well, of course, there are statistics and research studies on each side of this issue that have been injected into the debate. As a research scientist and someone who is a specialist in research design and the analysis of data on fatal crashes, I can simply point out, as I have in my written testimony, that there is study after study done by the professional highway safety research organizations, which have no particular vested interest in the results, that indicate that there are strongly positive effects of raising the alcohol purchase age.

The many fewer studies that have shown results to the opposite—when you look at them, the research designs are simply inadequate to support whatever conclusions they make. They are really uninterpretable in terms of the data they present.

This debate, of course, is now being carried out in the scientific literature and there have been reviews published and that will be published that elaborate on this. But that is my judgment as a research scientist from looking at the studies that, without exception, those that are not competently designed are the ones that tend to show what purport to be negative effects or neutral effects, no effects at all, of raising the alcohol purchase age.

BRIEF RECESS

Senator LAUTENBERG. I thank the panel for being here, each one of you, for your testimony and your willingness to participate.

We will recess for just a few minutes. We are waiting for Congressman Hoyer to join us. He was due here 5 minutes ago. He, too, perhaps is stuck in traffic, and he, like I, did not know that the speed limit was 25 miles an hour. He is just kind of moving along with the rest of the crowd.

But thank you very much; nice to see each one of you.

We will recess until 12:25 and we will pick up at that point.

[A brief recess was taken.]

CONGRESSIONAL WITNESS

STATEMENT OF THE HON. STENY HOYER, U.S. REPRESENTATIVE FROM MARYLAND

INTRODUCTION OF WITNESS

Senator LAUTENBERG. We would like to reconvene the hearing of the District of Columbia Subcommittee on Appropriations, as we review the uniform minimum drinking age of 21 interest that we have.

We are pleased to have with us now Congressman Steny Hoyer. He is someone from the neighborhood, the region, who has had an active interest in this. Mr. Hoyer is someone we look to for lots of positive programs, and I am pleased to share this opportunity with you, Steny, to get your point of view and we look forward to hearing what you have to say.

Mr. HOYER. Senator Lautenberg, thank you very much for, first of all, delaying somewhat so that I could come and testify before you.

The name of Frank Lautenberg is synonymous with the fight for safety on our highways and against drunk driving. So it is an honor to be here with you and to focus in on one individual aspect of this.

I understand my colleagues from the Washington metropolitan area have testified earlier. As you know, Senator, I was in the appropriations markup. The Labor and Health Subcommittee was reporting to the full committee, and therefore I could not be here earlier.

But I would like to make a brief statement because I think the subject matter of this hearing is extremely important. Of course, I would say at the outset that all of us in the region are very, very pleased at Mayor Barry's—I call him Governor Barry—decision to recommend to the City Council that they adopt a uniform age.

We are pleased with that. We think that is a step forward, and we hope that the Council will be impressed by that logic that he has expressed.

SUPPORTING HOME RULE

Mr. Chairman, I am pleased, as I said, to have this opportunity to appear before you today to testify on the District of Columbia's drinking age policy. I would like to start by saying that I am a strong supporter of home rule, as I know, Senator, you are and most of us in the Congress of the United States are.

Home rule is important to both the District and, I might say, to my own subdivision of Prince George's County, MD, which abuts the District of Columbia. Raising the drinking age, Mr. Chairman, I think the statistics show, has clearly saved lives. The policies that you have supported save lives. The law works.

DECREASE OF DRUNK DRIVING ARRESTS IN MARYLAND

The State of Maryland increased its drinking age in July 1982 to 21. In Maryland, the number of people under the age of 21 who have been arrested for drunk driving or driving under the influence has gone from 4,733 in 1982 to 2,775 in 1985, a reduction of 2,900 young people.

I do not think that is because law enforcement has become more lax. If anything, law enforcement in Maryland, as it has throughout the country because of the focus that you and others have placed on this issue, and many citizens groups—and I am very proud to be here with a very close friend of mine, the president of the Capital Centre, Jerry Sachs, who in Maryland is doing such an outstanding job of leadership in this area.

So law enforcement has not been more lax. It is clear that the incidence is being driven down of teenagers drinking and driving. That represents a 40-percent decrease while, as I said, the law enforcement level has remained constant.

The number of young drivers in fatal accidents has gone from 208 in 1980 to 166 in 1985. That is over 40 additional young people who are alive today because of policies that have been adopted.

Finally, the number of estimated alcohol-related fatalities has gone from 484 in 1980 to 398 in 1985—significant, meaningful, real progress in one of the critical problems confronting our country.

I would imagine that the experience in Virginia and across the Nation—and I understand, Senator, you have heard testimony to the effect that the experience across the Nation has been the same.

We are all aware that many young adults from suburban Virginia and Maryland travel into Washington, and particularly into Georgetown, to drink or to buy liquor. This is of critical concern to all of us.

Frank Wolf and I have repeatedly raised this issue in the D.C. Appropriations Subcommittee, of which we are both members, not in a manner to compel, but to raise the consciousness and to raise the question and to urge serious consideration of this issue.

WHAT SHOULD BE DONE

The question, of course, is what should be done. Last year and again this year, we included language, report language only, not compelling the District but requesting the District to study this issue. It has expressed the subcommittee's concern over the disparity in the drinking ages in this metropolitan area.

IMPORTANCE OF UNIFORMITY ACROSS THE COUNTRY

When the national legislation was passed, one of the arguments in favor of raising the drinking age was that uniformity across the country was important. You made that as cogently and as loudly and as clearly as anybody in the Senate or the House of Representatives. It was an important message.

Regional uniformity, of course, is also important as it relates to national uniformity. This is a regional problem, therefore. We have not placed any language in the committee bill to force the District of Columbia to take action.

We have not done so for many reasons. As I said, we believe in home rule and we want to work with the D.C. government to resolve this issue, which we view as a regional issue.

There are occasions when it is easy for District officials to suggest that this and other issues are home rule issues, and therefore to say, stay out. For the most part, I agree with that.

SUPPORT OF NATIONAL AND REGIONAL EFFORTS

In this case, we ask not to compel the District, but we ask very seriously that now that the Mayor has taken a very forthright and courageous position, we would urge the Council to very seriously consider the issues that you have raised, the statistics that have been brought forth in this hearing that I have mentioned and that others who have testified have mentioned that we can save lives.

As the father of a 15-year-old daughter, a 17-year-old daughter, and a 22-year-old daughter, I know that there are literally hundreds and thousands of young people who, as young people will, want to get on the road and go to a jurisdiction where they can have a beer or have some wine.

If that is not available to them, that is not to say that we are going to solve the drinking problem by that step alone. We are not. It is a serious, endemic problem, and that, in league with the drug problem, is probably one of the major domestic crises confronting our country.

But this is a significant and important lifesaving step that we ought to take, and I commend the Senator for holding these hearings and am strongly supportive of his national efforts and appreciative of his regional focus.

CLOSING REMARKS

Senator LAUTENBERG. Thank you very much, Congressman Hoyer. It has been a pleasure for me to work with you on this issue right from the start. I know that we have shared a common objective, and that is to protect our youngsters.

There are those, and you hear it all the time, who say they are going to get it anyway. Well, there are people who are going to violate the laws, whatever the laws are. That certainly does not suggest that we ought to eliminate those laws, whether they are speeding through red lights, counterfeiting money, or what have you. That argument for me holds very little validity.

What we have seen is gratifying in terms of results, and we look at this, unfortunately, as statistics. I was struck by something you said, Steny, and that is 40 families in Maryland did not have to grieve, did not have to weep, did not have to be shocked for the rest of their lives, because that is the effect that is left.

School classes did not have to mourn; they did not have to go through any of that kind of trauma. It is almost bizarre, but I wish that we could pick out those whose lives were saved and say, you are here today because—that is what has happened; that is what we have seen.

All one has to do is visit a family, visit a school, visit a classmate, visit a friend of someone who is lost in an alcohol-related accident.

President Reagan came to New Jersey 2 years ago on behalf of the uniform drinking age program, which he eventually, and the administration, supported. He went to a high school and one of the young people who came up to him had to reach out with a nonoperating hand in his wheelchair to touch the President and to say to him that if he only knew before he had his alcohol-related crash that paralyzed him forever, what he would have otherwise done.

That is the message that you and I and others in this room who support this can take home and take to our own families and our own friends and say, whatever happens, we are working to save your kids' lives and their friends' lives. That is what it is.

The statistical argument, at times, grows wearisome. It is the same thing that we hear about smoking and lung cancer. The fact that there are these huge number of lung cancer deaths that seem to be especially the province of smokers does not seem to dissuade those who would say, well, it is not the gun who killed the victim; it is all kinds of other things.

Steny, it is a pleasure to have you here.

Mr. HOYER. Thank you very much, Senator, again, for allowing me to testify. I know you waited somewhat, and I appreciate that very much because I think this is a critically important issue.

Again, your leadership on this issue not only as it relates to our region but nationally is appreciated by us all. Thank you very much, sir.

CONCLUSION OF HEARINGS

Senator LAUTENBERG. Thank you

That concludes the hearings. We thank everyone who worked here with us today. The subcommittee will recess and reconvene at the call of the Chair.

[Whereupon, at 12:40 p.m., Thursday, July 24, the hearings were concluded and the subcommittee was recessed to reconvene at the call of the Chair.]

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